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No. 07-363

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SUPREME COURT, U.S.

In the Supreme Court of the United States

TEEN RANCH, INC, MATTHEW KOCH and MITCHELL KOSTER,

Petitioners,

v

MARIANNE UDOW, MUSETTE MICHAEL and DEBORA BUCHANAN,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT FROM THE SIXTH CIRCUIT COURT OF APPEALS

BRIEF IN OPPOSITION

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QUESTION PRESENTED

The State of Michigan places, and funds the care of, abused, neglected, and delinquent children in residential treatment programs, some of which, like Petitioner Teen Ranch, have a religious character. The State ceased placing children, and ceased funding, when it learned that the content of Teen Ranch's program included religious activities such as worship, religious instruction, and proselytization in violation of Michigan law, federal law, and the Establishment Clause of the First Amendment.

Is the State required by the Free Exercise Clause of the First Amendment, 42 USC § 604a, or State law to subsidize these activities?

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OPINIONS BELOW

The decision of the United States District Court for the Western District of Michigan, Southern District, is reported at 389 F Supp 2d 827 (WD Mich 2005) and is included at Petitioners' Appendix ("Pet. App. ") 18. The United States Court of Appeals for the Sixth Circuit's panel decision[1] affirming the District Court's opinion is reported at 479 F3d 403 (6th Cir 2007) and is included at Pet. App. 1. The denial of Petitioners' petition for rehearing and suggestion for rehearing *en banc* is not reported and is included at Pet. App. 54.

JURISDICTION

On January 17, 2007, the Court of Appeals entered its order upholding the District Court's grant of summary judgment in favor of Respondents. Petitioners sought *en banc* review, which was denied on June 15, 2007. (Pet. App. 54.) This Court has jurisdiction to review the decision under 28 USC § 1254.

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

US Const, Am I states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

US Const, Am XIV § 1 states:

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[1] The Court of Appeals' decision was initially unpublished; however, upon motion of the Respondents, the decision was published.

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The federal law at issue, 42 USC § 604a states in part:

> (a) In general.
> (1) State options. A State may. . .
> (A) administer and provide services under the programs described in subparagraphs (A) and (B)(i) of paragraph (2) through contracts with charitable, religious, or private organizations; and
> (B) provide beneficiaries of assistance under the programs described in subparagraphs (A) and (B)(ii) of paragraph (2) with certificates, vouchers, or other forms of disbursement which are redeemable with such organizations.
> (2) Programs described. The programs described in this paragraph are the following programs:
> (A) A State program funded under part A of title IV of the Social Security Act [42 USCS § 601 *et seq.*] (as amended by section 103(a) of this Act).
> (B) Any other program established or modified under title I or II of this Act, that--
> (i) permits contracts with organizations; or

(ii) permit certificates, vouchers, or other forms of disbursement to be provided to beneficiaries, as a means of providing assistance.

(b) Religious organizations. The purpose of this section is to allow States to contract with religious organizations, or to allow religious organizations to accept certificates, vouchers, or other forms of disbursement under any program described in subsection (a)(2), on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(c) Nondiscrimination against religious organizations. In the event a State exercises its authority under subsection (a), religious organizations are eligible, on the same basis as any other private organization, as contractors to provide assistance, or to accept certificates, vouchers, or other forms of disbursement, under any program described in subsection (a)(2) so long as the programs are implemented consistent with the Establishment Clause of the United States Constitution. Except as provided in subsection (k), neither the Federal Government nor a State receiving funds under such programs shall discriminate against an organization which is or applies to be a contractor to provide assistance, or which accepts certificates, vouchers, or other forms of disbursement, on the basis that the organization has a religious character.

(d) Religious character and freedom.

(1) Religious organizations. A religious organization with a contract described in subsection (a)(1)(A), or which accepts certificates, vouchers, or other forms of disbursement under subsection (a)(1)(B), shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) Additional safeguards. Neither the Federal Government nor a State shall require a religious organization to—

(A) alter its form of internal governance; or

(B) remove religious art, icons, scripture, or other symbols; in order to be eligible to contract to provide assistance, or to accept certificates, vouchers, or other forms of disbursement, funded under a program described in subsection (a)(2).

(e) Rights of beneficiaries of assistance.

(1) In general. If an individual described in paragraph (2) has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program described in subsection (a)(2), the State in which the individual resides shall provide such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection with assistance from an alternative provider that is accessible to the individual and the value of which is not less than the value of the assistance which the individual would have received from such organization.

(2) Individual described. An individual described in this paragraph is an individual who

receives, applies for, or requests to apply for, assistance under a program described in subsection (a)(2).

* * *

(i) Compliance. Any party which seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate State court against the entity or agency that allegedly commits such violation.

(j) Limitations on use of funds for certain purposes. No funds provided directly to institutions or organizations to provide services and administer programs under subsection (a)(1)(A) shall be expended for sectarian worship, instruction, or proselytization.

(k) Preemption. Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.

Michigan appropriations acts 2003 PA 172 and 2004 PA 344 state:

Sec. 220. (1) In contracting with faith-based organizations for mentoring or supportive services, and in all contracts for services, the department shall ensure that no funds provided directly to institutions or organizations to provide services and administer programs shall be used or expended for any sectarian activity, including sectarian worship, instruction, or proselytization.

(2) If an individual requests the service and has an objection to the religious character of the institution or organization from which the individual receives or would receive services or

assistance, the department shall provide the individual within a reasonable time after the date of the objection with assistance or services and which are substantially the same as the service the individual would have received from the organization.

(3) The department shall ensure that faith-based organizations are able to apply and compete for services, programs, or contracts that they are qualified and suitable to fulfill. The department shall not disqualify faith-based organizations solely on the basis of the religious nature of their organization or their guiding principles or statements of faith.

(4) The department shall follow guidelines related to faith-based involvement established in section 104 of title I of the personal responsibility and work opportunity reconciliation act of 1996, Public Law 104-193, 42 USC 604a.

STATEMENT

Petitioner Teen Ranch ("Teen Ranch")[2] alleges that the Michigan Family Independence Agency ("FIA")[3] is required to place, and fund the care of, abused, neglected, and delinquent children at Teen Ranch's juvenile residential treatment program. When FIA ceased placing children at the Teen Ranch in 2004 — because religion was an integral and required part of the program — Teen Ranch sought a temporary restraining

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[2] For purposes of this Brief, Petitioners will be collectively referred to as "Teen Ranch."

[3] The FIA has since been renamed the Department of Human Services ("DHS"); however, this Brief will refer to Respondents as "FIA."

order, preliminary and permanent injunctive relief, a declaratory judgment, and monetary damages against the Respondents in their personal and official capacities as FIA employees.

Teen Ranch alleged that the State was required by the United States Constitution and a federal statute, 42 USC § 604a, to subsidize its religious residential treatment program for children. The District Court disagreed, finding that funding the Teen Ranch program would violate the Establishment Clause. The District Court also rejected Teen Ranch's Free Exercise and Freedom of Speech claims and their Due Process and Equal Protection claims. The United States Court of Appeals for the Sixth Circuit affirmed.

A. Juvenile Residential Care in Michigan.

FIA is responsible for providing care and supervision to abused, neglected, and delinquent children who have been committed to, or placed in the care of, FIA.[4] FIA may provide out-of-home care to these children or contract with private organizations to provide these services.[5] FIA is responsible for monitoring and evaluating all children's services programs it funds.[6]

FIA contracts with 96 private child care agencies to provide services to FIA youth and their families. Of these, at least 35 are faith-based providers. However, Teen Ranch is the only faith-based provider known to FIA that has incorporated its religious beliefs and teaching into the services funded under its contract with

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[4] *See, generally* MCL 400.114 - 400.115e, and specifically, MCL 400.115(a) and (f), 400.115a(1)(b), 400.115b(1).

[5] MCL 400.115(a); MCL 400.115(1)(f).

[6] MCL 400.115a(1)(b) and (n).

FIA. (Private Agency Contractors Listing, Court of Appeals Joint App. p. 323; Resp. App. p. 2b, Buchanan Affidavit, Court of Appeals Joint App. p. 326.)

Neither a child nor the child's parent independently chooses the child's placement. Rather, in the juvenile delinquent case, it is the State, through a computer assignment system that selects the placement for the child. In an abuse and neglect foster care case, it is the FIA worker and the State Court that decides the placement. (3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 1107-1117; Slottke Deposition, Court of Appeals Joint App. pp. 1123-1130.) Because Teen Ranch's lawsuit was seeking prospective relief and Teen Ranch indicated it was no longer going to accept abuse and neglect children, the focus of the case became the delinquency placement process.

The focus in treatment in the delinquency placement is on the treatment needs of the child. (Slottke Deposition, Court of Appeals Joint App. pp. 1134, 1137.) The agency with the best treatment match receives the placement. If two facilities are equal, the facility that has waited the longest receives the placement. (3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 1109-1110.) The caseworker and the court determine any changes to placement. (Slottke Deposition, Court of Appeals Joint App. pp. 1134-1135.) The "one override on the entire situation is if the court has ordered or recommended a specific placement. . . ." (3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 1109-1110.) Religion is not a factor in the placement process. (Slottke Deposition, Court of Appeals Joint App. pp. 1131-1132.)

B. Teen Ranch's Residential Program

FIA contracted with Teen Ranch to provide residential treatment and care for youth in need of services.[7] (FIA and Teen Ranch Agreement, Court of Appeals Joint App. p. 187.) In October – November 2003, FIA conducted a Quality Assurance Review of the Teen Ranch program. (11/6/03 letter, Court of Appeals Joint App. p. 228; 12/2/03 letter, Court of Appeals Joint App. p. 232.) That review made FIA aware that Teen Ranch was "improperly incorporating religious teaching into the daily activities and treatment plans" of youth placed there by FIA. (Resp. App. p. 4b-5b; 1/9/04 letter, Court of Appeals Joint App. p. 250.)

The foregoing conclusion was based on interviews with residents, Teen Ranch brochures, and reports from a local FIA office and the Michigan Department of Consumer and Industry Services ("DCIS"), the agency that then licensed child care institutions. (Resp. App. pp. 4b-9b; 1/9/04 letter, Court of Appeals App. pp. 250-252.) Specifically, ten youth reported being required to participate in religious services, including three who stated that they would "lose points" if they did not attend religious services. One stated that he was "placed out of program" and was required to do "criteria" for not participating in religious services, and one reported that she was required to attend "the River," a religious component of the Teen Ranch program. In addition, on November 7, 2003, a local FIA office received a complaint of a child forced to attend church services with her group. On December 4, 2003, DCIS received a complaint

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[7] FIA's last contract extension with Teen Ranch expired on October 1, 2003. Because of the pending problems with Teen Ranch, FIA did not sign a contract extension. (Sixth Circuit Apx. p. 224.)

from another youth and her parent that a therapist at Teen Ranch had repeatedly interjected religious issues into therapy with the youth. (Resp. App. p. 5b-6b; 1/9/04 letter, Court of Appeals Joint App. p. 251; 3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 257-261, 262-265, 266-272.)

It is impractical to recite the breadth of evidence that establishes Teen Ranch's goals of religious indoctrination and pervasive inclusion of religion into the residential program. However, a number of statements encapsulate these facts. Teen Ranch's leadership has professed:

> **Surely we hope to *convert* the wayward youth with whom we come in contact to the knowledge of and devotion to Christ Jesus. . . . This is why church attendance, prayer, Bible study and the like has always been encouraged,** never mandated at Teen Ranch as part of an effective treatment program. . . . [Resp. App. p. 17b; Policy Directive, Court of Appeals Joint App. p. 628 (emphasis added).]

Teen Ranch's "mission" is "[p]roviding hope to young people and families through life changing relationships and experiences from a Christian perspective." (Resp. App. p. 23b; 3/5/04 Program Description, Court of Appeals Joint App. p. 396.) Its program description states, "Each model [of residential care] is designed to meet the children's needs through. . . . Spiritual reconciliation through the grace of God." (Resp. App. p. 24b; Program Description, Court of Appeals Joint App. p. 398.) The Teen Ranch Orientation and Information Handbook states:

> The basis of everything done at Teen Ranch revolves around . . . everyone building a closer relationship to Jesus Christ.
>
> * * *
>
> At Teen Ranch your child will receive the kind of environment that is . . . based upon Godly mentoring, and provided by Christian staff. Through the building of healthy relationships, the staff at Teen Ranch offers your child . . . *the knowledge of being made in the Image of God, then equipped with the tools to become a Kingdom Builder.* [Resp. App. p. 32b, 41b, Orientation Handbook, Court of Appeals Joint App. p. 362; see also Resp. App. pp. 49b-52b, March, 2004 Online Letter, Court of Appeals Joint App. pp. 402-404 and Resp. App. pp. 53b-55b, May, 2004 Online Letter, Court of Appeals Joint App. pp. 406-408.]

The religious programs and services that Teen Ranch provides to these children are consistent with Teen Ranch's mission of religious indoctrination. It is against this backdrop that FIA also learned that there was the pervasive inclusion of religion in the specific components and activities of the program. First, religious activities were included in the children's therapy. As part of the treatment program at Teen Ranch, children were required to attend a therapy program called "The River," which was religious in nature. (Resp. App. pp. 56b-62b; January, 2004 Online Letter, Court of Appeals Joint App. pp. 439-443; Resp. App. pp 63b-66b, The River Information, Court of Appeals Joint App. pp. 622-623.) Therapy included religious discussions, devotional time, Bible time, and prayer time. (3/24/04 Hearing Transcript, Court of Appeals Joint App. p. 274; Beatty Deposition, Court of Appeals Joint App. pp. 413, 418.)

Second, religious activities were part of the children's weekly and daily schedule. (Beatty Deposition, Court of Appeals Joint App. p. 412.) This would include daily devotions and prayer and weekly church attendance. (Beatty Deposition, Court of Appeals Joint App. pp. 411-413, 414, 416-417.)

Third, a youth's willingness to participate in religious activities, like church attendance, could affect their privileges and how long they were in the program. (Beatty Deposition, Court of Appeals Joint App. pp. 414, 417, 420-422, 429-430.) Likewise, Teen Ranch's Chief Operations Officer testified how staff announced that it was time for religious activities and how a child could express an objection. However, his testimony indicates how pressure could affect whether a child participated. (3/24/04 Hearing Transcript, Court of Appeals Joint App. p. 276.)

Teen Ranch's opt-in and opt-out procedure for children attending Teen Ranch, which was raised after the start of litigation, was proffered by Teen Ranch as an Establishment Clause cure-all. But, by its terms and Teen Ranch's explanation, that procedure would require Teen Ranch staff and State FIA workers to determine whether a child **truthfully** held an objection to Teen Ranch's **religious program**. (Resp. App. pp. 18b-20b, Policy Directive, Court of Appeals Joint App. pp. 627-630; Koch Deposition, Court of Appeals Joint App. pp. 336-342.) It also does not take into account that abused, neglected, and delinquent children and their parents do not choose the placement. (3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 1107-1117; Slottke Deposition, Court of Appeals Joint App. pp. 1123-1130.)

Quite simply put, Teen Ranch has advised that "incorporating religious teachings into on-going daily activities of youth and their treatment plans touches at the core of why we were founded, why we are here today, and why we will continue to include such programming for children in our care." (Amendment of Corrective Action Plan, Court of Appeals Joint App. p. 640.)

C. Procedural History

On November 6, 2003, FIA imposed a moratorium on new placements at Teen Ranch because FIA believed "Teen Ranch administration and operating practices fail[ed] to assure the safety and well-being of the youth in residence." (11/6/03 letter, Court of Appeals Joint App. p. 228.) This moratorium was not a response to the religious nature of the program; rather it was based on safety issues. Although FIA had interviewed youth, it was not until December 2003 that FIA confirmed that religion was an inherent part of Teen Ranch's program. Only then religion became the issue, and FIA and Teen Ranch attempted to resolve the matter, however, to no avail because Teen Ranch refused to remove religious worship instruction, and proselytization from its program content. (Buchanan Deposition, Court of Appeals Joint App. pp. 280-281; 12/16/03 letter, Court of Appeals Joint App. p. 293; Resp. App. pp. 7b-9b; 1/9/04 letter, Court of Appeals Joint App. pp. 250-252.) Teen Ranch filed suit on February 20, 2004, seeking declaratory, injunctive relief, and damages. Teen Ranch also sought a temporary restraining order, which the District Court promptly denied.

The moratorium was lifted briefly, at the advice of counsel, to give FIA time to prepare for the preliminary injunction hearing. (3/24/04 Hearing Transcript, Court of Appeals Joint App. pp. 255-256.) But it was

reinstituted in April 2004 after the District Court denied Teen Ranch's preliminary injunction motion. (Michael Deposition, Court of Appeals Joint App. pp. 300-302.) FIA's primary concerns were the inclusion of religion into the treatment program and situations where youth were required to participate in activities that were infused with religion. (Buchanan Deposition, Court of Appeals Joint App. pp. 282-283.) FIA chose not to remove the State-placed youth in care because it did not want to unnecessarily disrupt placement of children if there was potential to resolve the issue. But case managers were instructed to visit State youth in care at Teen Ranch. (Buchanan Deposition, Court of Appeals Joint App. pp. 284, 285, 290.) Teen Ranch voluntarily closed its residential program in June, 2004. (6/14/04 E-mail, Court of Appeals Joint App. p. 317; Koster Deposition, Court of Appeals Joint App. p. 320.)

The parties filed cross-motions for summary judgment. The District Court heard oral argument and dismissed Teen Ranch's case. (Pet. App. 18.) The Court of Appeals affirmed. (Pet. App. 1.)

REASONS WHY CERTIORARI SHOULD NOT BE GRANTED

The Court of Appeals' decision is correct and does not conflict with any decision of this Court or any other court. Further, the decision below does not present an important issue of federal law that should be decided by this Court. This Court's review is, therefore, not warranted.

I. THE DECISION BELOW DOES NOT PRESENT AN IMPORTANT ISSUE OF FEDERAL LAW THAT SHOULD BE DECIDED BY THIS COURT.

A. The Court of Appeals correctly concluded that a federal court has no jurisdiction over a 42 USC § 604a claim.

Teen Ranch brought suit under 42 USC § 1983 to enforce an alleged violation of 42 USC § 604a. Section 1983 imposes liability on anyone who, under color of State law, deprives a person of any right "secured by the Constitution and laws."[8] However, not every federal statute creates a "right" enforceable under § 1983.[9] To the extent that Congress intends to confer an enforceable right upon individuals, "it must make its intentions to do so unmistakably clear in the language of that statute."[10]

Congress made it unmistakably clear that 42 USC § 604a does not create private rights enforceable in federal court: "any party which seeks to enforce its rights under

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[8] 42 USC § 1983.

[9] *Blessing v Freestone*, 520 US 329 at 340 (1997).

[10] *Gonzaga Univ v Doe*, 356 US 273, 286 (2002), citing *Will v Michigan Dep't of State Police*, 491 US 58, 65 (1989).

this section **may assert a civil action for injunctive relief exclusively in an appropriate state court** against the entity or agency that allegedly commits such violations."[11] Where Congress unequivocally stated that any judicial remedy for enforcement of a § 604a claim must be brought in a State court, the District Court lacked jurisdiction over Teen Ranch's § 604a claim.

Accordingly, the Court of Appeals was correct in its conclusion that a § 604a claim "is not cognizable in federal court." (Pet. App. 16; 479 F3d at 411.)

B. 42 USC § 604a does not apply to programs funded under Title IV-E of the Social Security Act, 42 USC § 670, et seq.

This case involves State funding of residential treatment for children who are under FIA's care and supervision. (Complaint, ¶¶ 1, 24, Complaint, Court of Appeals Joint App. pp. 13, 16.) The State is eligible for federal reimbursement for a portion of its foster care placement costs under Title IV-E of the Social Security Act.[12] Title IV-E is silent regarding services provided by religious organizations. 42 USC § 604a, cited in the Complaint, is part of Title IV-A of the Social Security Act, 42 USC § 601, *et seq.*, which governs State grants for "temporary assistance for needy families" (TANF).[13] The funds paid to Teen Ranch were not TANF funds.

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[11] 42 USC § 604a(i) (emphasis added).

[12] 42 USC § 670 *et seq.*

[13] TANF is the public assistance program that replaced "Aid to Families with Dependent Children" (ADC). TANF was created through the Personal Responsibility Work Opportunity Reimbursement Act (PRWORA) of 1996, PL 104-193.

By its terms, § 604a only applies to State programs funded under Title IV-A and any other programs "established or modified under Title I or II of the Act."[14] As explained in the "History" section following § 604a, "Title I or II of the Act" refers to Title I or II of the Personal Responsibility and Work Opportunity Reconciliation Act ("PRWORA"). (LEXIS at 42 USC 604A, Court of Appeals Joint App. p. 653.) Title IV-E was established in 1980 through PL 96-272. As reflected in the US Department of Health and Human Services' ("HHS") responses to questions FIA posed to it (6/14/04 E-mail, Court of Appeals Joint App. p. 317), Title I and II of PRWORA made no substantive changes to Title IV-E. Therefore, since any funding that could flow to Teen Ranch would be Title IV-E funding, § 604a is inapplicable to Teen Ranch's claims. (See specifically, Q&A No. 3, 2/23/04 E-mail, Court of Appeals Joint App. p. 659.) The District Court recognized that Teen Ranch failed to demonstrate that § 604a even applied to funding under Title IV-E. (Pet. App. 50; 839 F Supp 2d at 841-842.)

C. 42 USC § 604a does not require the State to fund programs that include religious activities such as worship, instruction, or proselytization.

Assuming *arguendo* that the District Court had jurisdiction over Teen Ranch's statutory claim and that 42 USC § 604a applied to Title IV-E funded programs, there is, nonetheless, no merit to the claim that FIA's refusal to fund Teen Ranch's religious activities violated § 604a.

Section 604a(a) provides in relevant part:

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[14] 42 USC § 604a(a)(2).

> (1) State options. A State may—
>
> (A) administer and provide services under the programs described in paragraph (2) through contracts with charitable, religious, or private organizations. . . ."

Teen Ranch claimed that FIA violated § 604a(c), which states in relevant part:

> **Except as provided in subsection (k)**, neither the Federal Government nor a State receiving funds under such programs shall discriminate against an organization which is or applies to be a contractor to provide assistance . . . on the basis that the organization has a religious character. [Emphasis added.]

Subsection (k) states:

> Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.

Under § 604a(c) and (k), any State constitution or statute that prohibits or restricts the expenditure of State funds in or by religious organizations trumps § 604a's provision regarding discrimination against organizations of a religious character. Michigan law also prohibits direct funding to religious programming that results in religious instruction, proselytization, or worship.[15] Thus, even if Teen Ranch's program did not include sectarian worship, instruction, or proselytization,

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[15] 2003 PA 172.

the State could still choose through its laws or constitution to not fund programs operated by religious organizations under § 604a(k).

But assuming no State law prohibition, under subsection (c), if a State opts to contract with private organizations for services covered under § 604a, the State cannot refuse to do business with a religious character **solely** because the entity is a religious organization. FIA's complaint with Teen Ranch was not that it was a religious organization or was operated by a religious organization, but that it infused sectarian worship, instruction, and proselytization as an integral part of the **program** paid for by the State. Indeed, FIA contracts with dozens of religious-affiliated organizations to provide residential care services. (12/16/03 letter, Court of Appeals Joint App. pp. 293 and 299.)

Furthermore, direct funding of religious **content**-based programs is expressly prohibited by 42 USC § 604a(j):

> No funds provided directly to institutions or organizations to provide services and administer programs under subsection (a)(1)(A) shall be expended for sectarian worship, instruction, or proselytization.

In other words, the statute that distinguishes between an organization that simply has a **religious character** and an organization that has a religious character and also incorporates religious worship, instruction, or proselytization as part of its **day-to-day services and programs** it provides to its recipients. Funding of the latter is prohibited under § 604a. Religion was an integral part of the Teen Ranch program. By directly placing children in juvenile residential care at Teen

Ranch and directly funding the placement, the State would violate the statute.

This interpretation is consistent with HHS' interpretation of § 604a, which indicates direct funding of religious activity is inappropriate. (2/23/04 E-mail, Court of Appeals Joint App. pp. 660-663) HHS is the agency that administers both the Title IV-A and IV-E programs at the federal level. HHS' interpretation of the statute it administers is entitled to substantial deference.[16]

FIA consistently acted in conformance with the principles of § 604a. Teen Ranch's claims that FIA was acting to persecute or single out Teen Ranch in violation of the statute because of animosity toward Teen Ranch's religious character are simply wrong. FIA's actions were taken because of the content of the State-funded program. The subjective nature of Teen Ranch's claim can be seen at page 20 of Teen Ranch's Petition for Certiorari when it only partially quotes from the deposition of Debora Buchanan, the Manager for the Purchased Care Division for FIA. But when the full sentence of Ms. Buchanan's position is provided, a different picture emerges. The complete sentence follows:

> My position right now today is that it is improper for the State of Michigan to contract with a provider who incorporates religious beliefs, practices, et cetera, **into their daily treatment and ongoing care for youth.** [Pet. App. p. 71 (emphasis added to note the portion of testimony eliminated by ellipses by Teen Ranch).]

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[16] *Chevron USA Inc v NRDC*, 467 US 837, 844 (1984).

If § 604a applies, FIA's decision to not directly fund the content of Teen Ranch's program that included religious worship, instruction, or proselytization is consistent with § 604a.

D. Teen Ranch never pleaded a violation of State law.

Teen Ranch's Complaint alleged no violation of State law. Teen Ranch cannot obtain a judgment on a claim that it failed to plead pursuant to 2003 PA 172 or 2004 PA 344. The District Court properly recognized this point. "Plaintiffs did not clearly allege a violation of State law as a basis for relief in their complaint." (Pet. App. 51; 839 F Supp 2d at 842.) Further, to the extent that Teen Ranch sought prospective injunctive relief, the District Court properly recognized that its claims were against the named FIA employees in their official capacities and are governed by the Eleventh Amendment. (Pet. App. 51; 839 F Supp 2d at 842.) The Eleventh Amendment prohibits federal courts from enjoining State officials for violations of State law.[17]

E. Even if Teen Ranch had pleaded a cause of action for violation of State law, the claims would lack merit because the State law prohibits direct funding for worship, instruction, and proselytization.

Assuming the District Court had exercised supplemental jurisdiction and Teen Ranch had pleaded a claim related to 2003 PA 172 or 2004 PA 344, the claims would fail for the same reasons the claim under 42 USC

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[17] *Pennhurst State Sch & Hosp v Halderman*, 465 US 89, 100 (1984).

§ 604a failed. 2003 PA 172 and 2004 PA 344 included the same prohibitory language:

> Sec. 220. (1) In contracting with faith-based organizations . . . the department shall ensure that no funds provided directly to institutions or organizations to provide services and administer programs shall be used or expended for any sectarian activity, including sectarian worship, instruction, or proselytization.

Direct funding of religious activities is prohibited. It is undisputed that religion is an integral part of Teen Ranch's program and that funds provided directly to Teen Ranch by the State would be used for prohibited sectarian activity.

II. THE COURT OF APPEALS' DECISION DOES NOT CONFLICT WITH THIS COURT'S PRECEDENT.

A. The Court of Appeals' decision does not conflict with Locke v Davey, which recognizes that some funding may be permissible under the Establishment Clause but not required under the Free Exercise Clause.

Teen Ranch argues that the State **must** subsidize its religious program or the State violates the Free Exercise Clause. However, while some funding may be permissible under the Establishment Clause it is not required under the Free Exercise Clause. The State did not encroach upon Teen Ranch's right to free exercise of religion. Therefore, there is no merit to Teen Ranch's argument that FIA **must**, under the Free Exercise Clause, fund placements of its wards at Teen Ranch.

This Court recently addressed this issue in *Locke v Davey* where it held that a State was not required to award State-funded scholarships to students pursuing theology degrees.[18] In reaching this conclusion, this Court stated[19]:

> These two clauses, the Establishment Clause and the Free Exercise Clause, are frequently in tension. . . . Yet we have long said that "there is room for play in the joints" between them. . . . In other words, there are some state actions permitted by the Establishment Clause but not required by the Free Exercise Clause.

Locke distinguished a State's refusal to fund a religious activity from State laws imposing penalties on certain religious practices. The former is acceptable under the Free Exercise Clause; the latter is not[20]:

> Davey . . . contends that under the rule we enunciated in *Church of Lukumi Babalu Aye, Inc v Hialeah*, [508 US 520 (1993)], the [Promise Scholarship] program is presumptively unconstitutional because it is not facially neutral with respect to religion. . . . We reject his claim of presumptive unconstitutionality, however; to do otherwise would extend the *Lukumi* line of cases well beyond not only their facts but their reasoning. In *Lukumi*, the city of Hialeah made it a crime to engage in certain kinds of animal slaughter. We found that the law sought to suppress ritualistic animal sacrifices of the Santeria religion. . . . In the

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[18] *Locke v Davey*, 540 US 712 (2004).

[19] *Locke*, 540 US at 718-719.

[20] *Locke*, 540 US at 720-721.

> present case, the State's disfavor of religion (if it can be called that) is of a far milder kind. It imposes neither criminal nor civil sanctions on any type of religious service or rite. It does not deny to ministers the right to participate in the political affairs of the community. . . . And it does not require students to choose between their religious beliefs and receiving a government benefit. . . . The State has merely chosen not to fund a distinct category of instruction.

As in *Locke*, there was no demonstrable animus toward religion when FIA decided not to contract with providers of children's services —like Teen Ranch — that admittedly incorporated religion into those services and expended State funds on religious activity. FIA has not inhibited religious practice or penalized religious participants civilly or criminally. In fact, FIA has contracted with numerous other religious providers of social services. However, those providers separate their religious activities from their social services. (Resp. App. p. 2b, Buchanan Affidavit, Court of Appeals Joint App. p. 327.) As in *Locke*, the State may permissibly choose not to fund placements of youth in a facility that espouses and advances a religious faith as an integral part of the program.[21]

None of the other cases cited by Teen Ranch supports their claim. In *Employment Div Dept of Human*

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[21] See also *Freedom From Religion v McCallum*, 179 F Supp 2d 950, 981-82 (WD Wis 2002) (a state's refusal to fund social services programs that include religious content does not violate the Free Exercise Clause of the First Amendment).

Resources of Oregon v Smith,[22] this Court held that a prohibition against a religious use of peyote was not a violation of the Free Exercise Clause, and denial of unemployment benefits to individuals fired for using peyote as part of a religious ceremony did not violate the Free Exercise Clause. And *Sherbert v Verner*,[23] *Thomas v Review Bd of the Indiana Employment Security Div*[24] and *Hobbie v Unemployment Appeals Comm'n of Florida*,[25] all dealt with denials of unemployment compensation benefits to individuals fired for refusing to work on their Sabbath, or to engage in other activities forbidden by their religion. This Court, in each of these cases, held that the government could not deny a public benefit— unemployment compensation—based on the worker's religious beliefs. But no public benefit or entitlement program is involved here. Teen Ranch had no constitutional right to force FIA to purchase its religiously-infused residential treatment services for State wards.

This Court distinguished this line of cases in *Locke*.[26] The State may choose to not fund inherently religious activity and need only have a rational basis for doing so. Similarly, *Locke* distinguished *McDaniel v Paty*,[27] another case cited by Teen Ranch. *McDaniel* held that ministers could not be prohibited from serving as State legislators because the prohibition violated their right to

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[22] *Employment Div, Dept of Human Resources of Oregon v Smith*, 494 US 872 (1992).

[23] *Sherbert v Verner*, 374 US 398 (1963).

[24] *Thomas v Review Bd of the Indiana Employment Security Div*, 450 US 707 (1981).

[25] *Hobbie v Unemployment Appeals Comm'n of Florida*, 480 US 136 (1987).

[26] *Locke*, 540 US at 720-721.

[27] *McDaniel v Paty*, 435 US 618 (1978).

free exercise of religion. As noted in *Locke*, no similar right is involved in cases involving State funding of religious programs.[28] Finally, *Locke* also distinguished *Church of Lukumi Babalu Aye Inc v City of Hialeah* which prohibited the criminalization of religious ritualistic animal sacrifices.[29] This Court found no analogy between criminal or civil sanctions for the practice of religion to cases involving government funding of religious activity.[30]

Accordingly, the Court of Appeals properly affirmed the District Court's dismissal of Teen Ranch's Free Exercise Claims. (Pet. App. 12; 479 F3d at 409-410, 411-412.)

B. The Court of Appeals' decision does not conflict with *Mitchell v Helms* or *Zelman v Harris* regarding funding under the Establishment Clause.

Teen Ranch argues that the Court of Appeals' decision is inconsistent with this Court's decisions on private choice. Private choice can operate as a circuit breaker between the government and religion, and the existence of private choice may allow a funding scenario to pass Establishment Clause muster. However, Teen Ranch's desire for the State to subsidize its religious program for abused, neglected, and delinquent children who do not have true genuine private independent choice, does not pass constitutional muster. The Court of Appeals' decision is consistent with this Court's precedent.

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[28] *Locke*, 540 US at 720.

[29] *Church of Lukumi Babalu Aye, Inc. v City of Hialeah*, 508 US 520 (1993).

[30] *Locke*, 540 US at 720-721.

In *Mitchell v Helms*, a plurality opinion, this Court concluded that a federal law that authorized the federal government to distribute funds to State and local governmental agencies that in turn loaned, on a per capita student basis, educational materials, software, and equipment to religious and nonreligious schools, did not violate the Establishment Clause.[31]

In addressing whether there was governmental indoctrination, a plurality of the Justices opined that the aid was allocated on neutral secular criteria that did not favor or disfavor religion.[32] On the question of whether the act advanced religion, the plurality opined that the program made a broad range of schools eligible without regard to religion and that the aid reached schools only through private decision-making and contained no impermissible content.[33] The plurality attempted to move away from the direct versus indirect aid distinction for purposes of determining governmental indoctrination and instead focused on private choice, which operates as a circuit breaker between the government and religion. But the plurality recognized that the two analyses addressed the same thing, and the direct versus indirect distinction was meant to prevent religion from being subsidized by the government.[34] In *Mitchell*, because private decision-making was involved, the direct aid of materials and equipment was not at issue.[35] But the plurality recognized that the case did not involve direct

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[31] *Mitchell v Helms*, 530 US 793, 835 (2000).

[32] *Mitchell*, 530 US at 829-830.

[33] *Mitchell*, 530 US at 830-832.

[34] *Mitchell*, 530 US at 815-816.

[35] *Mitchell*, 530 US at 815-818; 831.

money payments and noted direct money payments raise "special Establishment Clause dangers."[36]

Mitchell does not provide support for Teen Ranch's claims. First, in this case, there was direct payment of money from the State to Teen Ranch. Second, *Mitchell* does not stand for the proposition that funds can be used or diverted to advance the religious missions of religious schools.[37] Third, there was no true private choice in the case at bar because those placed at Teen Ranch were vulnerable children under the State's jurisdiction and supervision, and the children and their parents do not choose the placement. Fourth, *Mitchell* speaks to Establishment Clause concerns and not a claim under the Free Exercise clause.

In *Zelman v Harris*, this Court found no Establishment Clause violation in a school voucher program.[38] In *Zelman*, this Court concluded that the voucher program was one of true private choice because it was neutral as to religion. The Court found no "financial incentive" that "skewed" the program toward religious schools, where there was a full range of religious and nonreligious educational options available to parents.[39]

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[36] *Mitchell*, 530 US at 818-820, quoting *Rosenberger v Rector*, 515 US 819, 842 (1995).

[37] *Mitchell*, 530 US at 840-844 (O'Connor, J, concurring) (Justice O'Connor's opinion was controlling on the Sixth Circuit because it was the narrowest concurrence on a non-majority opinion and did not accept that money can be diverted for religious use. See *Johnson v Economic Development Corporation*, 241 F3d 501, 510 (6th Cir 2001).

[38] *Zelman v Simmons-Harris*, 536 US 639, 662-663 (2002).

[39] *Zelman*, 536 US at 653-656.

There are a number of reasons why the subsidization of Teen Ranch's religious program is not similar to the voucher program in *Zelman*. First, there was no true genuine independent private choice involved because the State determined the children's placement, and neither the children, nor their parents selected from a broad range of choices. Second, the children here were under the care and supervision of the State. Third, there was no intervening step of a voucher. Fourth, *Zelman* did not involve a claim that funding was required under the Free Exercise Clause.

Neither *Zelman* nor the other funding cases argued by Teen Ranch support its claims. *Everson v Board of Education of the Twsp of Ewing,*[40] *Mueller v Allen,*[41] *Witters v Washington Dept of Services for the Blind,*[42] and *Zobrest v Catalina Foothills Sch Dist*[43] all involved payment for certain educational expenses for **families who freely and independently chose** religious educations for their children. Unlike Teen Ranch's situation, the benefits were not paid directly to an organization for religious programs.

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[40] *Everson v Bd of Educ of Twsp of Ewing*, 330 US 1 (1947) (rejected Establishment Clause challenge to authorization for reimbursement to parents with a child in private school for the cost of busing).

[41] *Mueller v Allen*, 463 US 388 (1983) (rejected Establishment Clause challenge to a program allowing tax deductions for educational expenses, including private school tuition).

[42] *Witters v Washington Dept of Services of the Blind*, 474 US 481 (1986) (rejected Establishment Clause challenge to a vocational scholarship program).

[43] *Zobrest v Catalina Foothills Sch Dist*, 509 US 1 (1993) (rejected Establishment Clause challenge to federal program that permitted a sign-language interpreter to assist hearing-impaired students in religious schools).

With the direct payment and without genuine independent choice, the funding of Teen Ranch would not pass constitutional muster under the Establishment Clause. This Court in *Lemon v Kurtzman* articulated a test for determining when a statute or program violates the Establishment Clause[44] and refined the test in *Agostini v Felton*.[45] The three primary criteria the Supreme Court uses to determine whether government aid advances religion are: (1) whether there is governmental indoctrination; (2) whether the participants are defined by reference to religion; and (3) whether there is excessive entanglement between government and religion.[46] The funding of Teen Ranch would violate all prongs of the *Lemon-Agostini* test.

Specifically as to the indoctrination prong, this Court in *Lee v Weisman*[47] and *Santa Fe Independent School District v Doe*,[48] emphasized that a policy that allows a child to opt out of a State-endorsed group religious activity does not shield the activity from Establishment Clause scrutiny. This Court found that placing children in a position where they must affirmatively opt out of a government-endorsed religious activity is unacceptable under the Establishment Clause.[49] As to the other two prongs, the participants would be defined by reference to religion, and attempting to fully advise, judge, and determine a child's religious convictions in light of a religious program using an opt-in or opt-out scenario would foster excessive entanglement between the State and religion.

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[44] *Lemon v Kurtzman*, 403 US 602 (1971).

[45] *Agostini v Felton*, 521 US 203, 221-223 (1997).

[46] *Agostini*, 521 US at 234.

[47] *Lee v Weisman*, 505 US 577 (1992).

[48] *Santa Fe Independent Sch Dist v Doe*, 530 US 210 (2000).

[49] *Lee*, 507 US at 593.

Accordingly, the Court of Appeals correctly recognized the lack of true genuine independent private choice regarding the children placed at Teen Ranch, necessary for the funding of Teen Ranch to pass constitutional muster under the Establishment Clause. (Pet. App. 12; 479 F3d at 408-409, 411-412.)

III. THERE IS NO CONFLICT BETWEEN THE COURT OF APPEALS' DECISION BELOW AND DECISIONS FROM OTHER CIRCUITS.

Teen Ranch attempts to manufacture a conflict between the Court of Appeals' decision and decisions from other circuits. However, there are no conflicts because the cases cited by Teen Ranch involve genuine independent private choice exercised by adults and not cases involving abused, neglected, and delinquent children who do not choose their placements and who are under the supervision of the State.

A. The facts and reasoning of the Seventh Circuit in *Freedom from Religion v McCallum* are distinguishable from this case.

Teen Ranch alleges that the Court of Appeals' decision conflicts with the Seventh Circuit's opinion in *Freedom of Religion, Inc v McCallum.*[50] In *McCallum* neither the district court nor the Seventh Circuit found an Establishment Clause violation where adult parolees could choose between a Christian half-way house and at least one other secular half-way house.[51] The district

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[50] *Freedom of Religion, Inc v McCallum*, 324 F3d 880 (7th Cir 2003) (*McCallum III*).

[51] *Freedom of Religion, Inc v McCallum*, 214 F Supp 2d 905 at 907, 912-913 (WD Wisc 2002) (*McCallum II*); 324 F3d 880 (7th Cir 2003).

court recognized that indirect funding of faith-based organizations occurs through genuine independent private choice of individuals.[52] In that case, the district court recognized that the issue was a close call, and noted that the participants were **not children**.[53] The Seventh Circuit affirmed the district court, equating Faith Works to a school voucher scenario.[54]

McCallum is distinguishable from this case for a number of significant reasons. First, this case involves vulnerable and troubled children who are State or court wards and who are not adults capable of making treatment decisions. Second, neither the children, nor their parents, decide the placement. Third, the children had no "genuine independent private choices" of programs. Although Teen Ranch proposed that a child or his parents might "opt out" or "opt in" to Teen Ranch, the initial and ultimate placement decisions are the State's, which makes sense because the children are abused, neglected, and delinquent. Fourth, *McCallum* was brought by taxpayers challenging Faith Works under the Establishment Clause and not by Faith Works claiming funding was required under the Free Exercise Clause. In contrast, Teen Ranch is claiming it **must** be funded.

Accordingly, the Court of Appeals correctly recognized the lack of true genuine independent private choice regarding the children placed at Teen Ranch, necessary for the funding of Teen Ranch to pass

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[52] *Freedom of Religion, Inc v McCallum*, 179 F Supp 2d 950, 970 (WD Wisc 2002) (*McCallum I*).

[53] *McCallum*, 214 F Supp 2d at 907, 915-916, 919 (*McCallum II*).

[54] *McCallum*, 324 F3d at 882, citing *Zelman v Simmons-Harris*, 536 US 639.

constitutional muster under the Establishment Clause. (Pet. App. 12; 479 F3d at 408-409, 411-412.)

B. The facts and reasoning of the DC Circuit in *American Jewish Federation* are distinguishable from this case.

The US Court of Appeals for the District of Columbia Circuit in *American Jewish Congress v Corp for National and Community Service,* addressed whether the AmeriCorps Education Awards Program, operated by the Corporation for National and Community Service, advanced religion and thereby violated the Establishment Clause.[55] In *Jewish Congress*, those seeking an award had to perform community service in an approved program. The case involved those who fulfilled this service requirement by teaching in religious schools. The D.C. Circuit concluded that there was no Establishment Clause violation, in part, because there was independent private choice.[56]

The DC Circuit relied on *Zelman,* which is significant for three reasons. First, there was no direct money payment to the funding recipient in *Zelman*, whereas here, there was a direct monetary payment to Teen Ranch. Second, contrary to the facts in *Zelman*, there was no intervening step where a voucher is given to an individual. In *Zelman*, parents were able to make independent choices about the school their child would attend. Third, the youth placed at Teen Ranch were children, especially emotionally fragile or damaged children, who did not choose their placements freely or independently.

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[55] *American Jewish Congress v Corp for National and Community Service*, 399 F3d 351 (DC Cir 2005).

[56] *Jewish Congress*, 399 F3d at 356, 358.

Accordingly, the Court of Appeals correctly recognized the lack of true genuine independent private choice regarding the children placed at Teen Ranch, necessary for the funding of Teen Ranch to pass constitutional muster under the Establishment Clause. (Pet. App. 12; 479 F3d at 408-409, 411-412.)

CONCLUSION

The Petition for a Writ of Certiorari should be denied.

Respectfully submitted

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APPENDIX

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

TEEN RANCH, et al,

Plaintiffs, No. 5:04CV0032

v Hon. Robert Holmes Bell

MARIANNE UDOW, et al,

Defendants.

AFFIDAVIT OF DEBORA BUCHANAN

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

Debora Buchanan, being first duly sworn, says as follows:

1. I am manager of the Purchased Care Division of the Office of Children and Family Services within the Michigan Family Independence Agency.

2. This affidavit is made on my personal knowledge, and if sworn as a witness, I am competent to testify to the facts contained herein.

3. In October-November 2003, FIA conducted a Quality Assurance Review of the Teen Ranch program. As part of that review, FIA became aware that Teen Ranch was improperly incorporating

religious teaching into the daily activities and treatment plans of youth placed there by FIA.

4. FIA's last contract extension with Teen Ranch expired on October 1, 2003. Because of the pending problems with Teen Ranch, FIA has not signed the current contract extension.

5. As a result of concerns that surfaced through the Quality Assurance Review, FIA imposed a moratorium on new placements to Teen Ranch. To date, Teen Ranch has been unwilling to provide FIA with assurances that it will not impose its religious beliefs, teaching or worship on the youth in its program.

6. FIA contracts with 96 private child care agencies to provide services to FIA youth and their families. Of these, at least 35 are faith-based providers. However, Teen Ranch is the only one known to incorporate its religious beliefs and teaching into the services funded under its contract with FIA.

7. The individuals being served by the Teen Ranch program are vulnerable and troubled children who are abused, neglected and delinquent. They are children who are state or court wards, under the care and supervision of FIA. It is FIA who decides on their placement. While there is currently an option for a child and/or his parents to "opt out" out of a Teen Ranch placement, both the initial and ultimate placement decision is still the State's.

8. FIA has chosen not to remove children already placed in Teen Ranch to avoid disruption of

ongoing treatment, at least until Plaintiffs' motion for preliminary injunction is resolved. See Exhibit I.

9. Exhibit L to Defendants' brief is the U.S. Department of Health and Human Services (HHS) responses to questions posed to it by FIA.

10. Exhibit M to Defendant's brief represents the number of FIA delinquency placements at Teen Ranch from 10/1/02 through 3/12/04.

11. In December 2003, Teen Ranch notified FIA that it would be taking no new abuse and neglect placements.

FURTHER AFFIANT SAYETH NOT.

/s/_____
Debora Buchanan
Michigan Family Independence Agency

Subscribed and sworn to before me
this 12th day of March, 2004

/s/_____
Ingham County, Notary Public
Commission Expires:

[Letterhead Omitted]

January 9, 2004

Mr. Matt Koch, Executive Director
Teen Ranch Family Services
2861 Main Street
Marlette, M 48453

Dear Mr. Koch,

On October 28, 29 and 30, 2003, Richard Jansen, Purchased Care Analyst and William White, Purchased Care Division Consultant, conducted a Quality Assurance Review site visit. The review was continued on November 5, 2004 with the addition of Judy McGibbon, Purchased Care Analyst. The results of the review were addressed in a Quality Assurance Report (report), completed on December 2, 2003 (see attached).

Several areas of contract and policy noncompliance were noted in the report resulting in a recommendation to enact a moratorium on new placements. Teen Ranch was advised that a corrective action plan was required and that the moratorium would continue until Family Independence Agency (FIA) had received and approved the corrective action.

During the site visit, and while the Purchased Care Division (PCD) was completing the report, information was obtained from residents, Teen Ranch brochures, a local FIA office, and the Department of Consumer and Industry Services. This information suggest that Teen Ranch may be programming was improperly incorporating religious teachings into the daily

activities and treatment plans of youth The information obtained includes the following:

- Seven youths reported being required to participate in religious services
- Three youths specifically stated that they would "lose points" if they did not attend and participate in religious services.
- One youth stated that he was "placed out of program" and required to do "criteria" for not participating in religious services.
- One youth reported that she was required to attend "The River" which she described as consisting of singing six Christian songs and watching a skit put on by a pastor and Teen Ranch staff.
- A Teen Ranch brochure that discussed "The River" describes it as a "powerful tool for our youth as well as an important part of the overall Teen Ranch Treatment program." The brochure further states: "The River is a healing program designed to guide youth in discovering God's power in helping them overcome life's difficulties"
- Teen Ranch referral information states the following: "The River is a place where youth can: Deepen their relationship with Jesus Christ... . Each youth will be expected to participate as a part of their treatment here at Teen Ranch."
- On 11/07/03, PCD received a complaint from a local FIA office alleging that a female ward at Teen Ranch was forced to attend a church with her group where "they speak in tongues and touch you on the forehead". This complaint was referred to the Department of Consumer and Industry Services, Bureau of Family Services for investigation.
- On 12/04/03, the Department of Consumer and Industry Services, Bureau of Family Services, received

complaints from a youth and the youth's parent that a therapist at Teen Ranch repeatedly interjected religious issues into therapy with the youth. The Bureau substantiated licensing noncompliance. (See Attached Licensing Report #2004C0115009)

As PCD was unable to thoroughly review religious practices, technical assistance was provided (see page 12 of the report). Note: The purpose of technical assistance is to make agencies aware of potentially noncompliant aspects of their program and allow them an opportunity to enhance or modify programming, thereby ensuring contract compliance.

On December 2, 2003, Teen Ranch submitted a corrective action plan. The plan did not adequately address all of the cited contract/policy noncompliances.

On December 16, 2003, I completed a written response to the plan, detailing the areas that did not adequately ensure on-going compliance. Further, my response again addressed concerns about religious practices within Teen Ranch, stating the following:

> "The CAP indicates that youth are not required to participate and that youth are not consequented for choosing not to participate. It will be essential for the agency to carefully monitor the practice of its employees relative to religion. Note: It is not only improper to force youth to participate in religious practices but it is also improper to incorporate religious teachings into the on-going daily activities of youth and their treatment plans."

On December 17, 2003, PCD and Teen Ranch met to review the corrective action plan, using the December 16 letter as a guide for the meeting. A discussion of religious practices and the Family Independence Agency's position related to the issue occurred. Your response was that Teen Ranch was founded on the premise of religious beliefs and that the organization would not discontinue incorporating such beliefs into the activities of youth in placement and their treatment plans.

At the conclusion of the December 17 meeting, I requested that Teen Ranch submit a further amended corrective action plan, as well as provide information related to the religious practices of Teen Ranch.

We received your amended corrective action plan on December 29, 2003, which states:

> "The mission statement of Teen Ranch states, 'providing to young people and families through life changing relationships and experiences from a Christian perspective.' This mission, and our interpretation of this mission, will not change, be sacrificed, nor will it be compromised.
>
> Teen Ranch, as policy, does not 'force' youth to attend religious services although it is encouraged and we believe to be a part of an effective treatment program. Alternatives are provided for the children who wish not to attend religious services, such as a personal

> academic study time (if desired), letter writing home, recreational time in the gymnasium, or watch television until the other youth return home.
>
> However, incorporating religious teachings into on-going daily activities of youth and their treatment plans touches at the core of why we were founded, why we are here today, and why we will continue to include such programming for children in our care"

FIA acknowledges the important role that private agencies play in providing quality service to Michigan's youth and families. We respect the fact that many organizations are faith based and their beliefs serve as solid guides in their work with children and their families. Agencies may choose to incorporate spiritual elements into programming. However, providers receiving federal funding may not incorporate sectarian worship, instruction, or proselytization into the daily treatment and service plan activities.

Public Act 172, section 220 (1) provides that:

> "In contracting with faith based organizations for mentoring or supportive services, and in all contracts for services, the department shall ensure that no funds provided directly to institutions or organizations to provide services and administer programs shall be used or expended for any sectarian activity,

including sectarian worship, instruction, or proselytization."

So too, the First Amendment to the Constitution of the United States, as well as Article I, Section 4 of the Michigan Constitution, require the separation of church and state.

FIA is supportive of faith based agencies that practice the general principles of respect, responsibility to others, honesty, and compassion. These principles are integral components of any number of organizations. The incorporation of faith specific tenets into treatment is not permitted by state and federal law. Youth may not be coerced into participating in religious activities.

FIA is sincerely interested in continuing the contractual arrangement that we have enjoyed with Teen Ranch. However, if Teen Ranch is unwilling to modify its current practices regarding the imposition of its religious beliefs into the daily treatment and service plan activities, FIA is unable to approve the corrective action plan and rescind the moratorium. As always, I remain available to provide you and Teen Ranch with assistance.

Sincerely,
/s/
Debora Buchanan,
Manager Purchased
Care Division

cc: Musette Michael
Kathryn Fehrman
Karen Smith
Contract File

POLICY AND PROCEDURE DIRECTIVE
JULY 29, 2004
MARLETTE, MICHIGAN, U.S.A.

Over the past several months, Teen Ranch's historic, consistent posture on the voluntary nature of its Christian programming has been called into question. The Board of Trustees of Teen Ranch feels it appropriate to publish this Directive as a means of reaffirming the long-standing policy of Teen Ranch pertaining to religious activities, and to clarify certain procedures to be observed in implementing these policies.

These procedures are not out of keeping with Teen Ranch's traditional approach, but are not augmented by federal and state statutory authority that make clear the rights and responsibilities of all concerned.

Teen Ranch fully embraces these statutory enactments, and intends to take a leading role in facilitating their full application.

For more than three decades, Teen Ranch has held the position, expressed in the motto, *"Nobody gets here by accident; we keep no one here against their conscientious will; we hold no religious prisoners."*

Nothing that follows will be inconsistent with this tradition.

Teen Ranch is surely a committed, unapologetic, Christian institution. We believe in and serve the Lord Jesus Christ. We praise His Holy Name. We live and thrive in the exercise of His great mercy.

We also fully recognize that no one can legitimately come to Christ by duress. Hence, forced conversions never have and never will take place at Teen Ranch. The action of grace on the human soul is something we can all hope for, pray for, and

encourage. But grace is a gift of God Himself, and His means of dispensing it are not subject to our meddling. Now, then, and always, we will openly proclaim our devotion to Our Lord, praise His Name, and teach of His greatness. We will continue to respect His right to call who He chooses when and how He chooses, and the right of all men to heed – or refuse to heed – this call in the exercise of their free will.

The procedures set out below are designed to make this policy and commitment crystal clear, so that all may know how to behave and how to react to those situations where the vision and commitment of the Teen Ranch board, staff, and volunteers, and the vision of our residents or prospective residents diverge. This procedure carefully and respectfully serves the rights and interests of all concerned, and accords each participant the dignity due a beloved creature of God.

Not coincidentally, federal and state statutory directives, in this instance, are congruent with these principles.

Finally, with the full and unanimous backing of the Board of Trustees, these procedures are truly a Directive, not a set of guidelines, and certainly not a suggestion. They will be enforced diligently and sternly. Therefore, nothing in this Directive shall serve as an invitation to improvise.

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I. PRE-APPROVAL PROCEDURES:

This portion of the Directive deals directly with actions to be taken by Teen Ranch personnel once Teen Ranch first receives notice of a potential placement. The purpose, obviously, is to make a clear disclosure of the Christian character of Teen Ranch and the Christian nature of some of our programs.

such that the prospective placement, and his/her parents, guardians, caseworker, and/or lawyer can make a free, non-coerced, informed decision as to whether to pursue the placement. Understandably, this disclosure may cause a few placements to reconsider, and choose to go elsewhere. So be it.

More importantly, those that do come to Teen Ranch will certainly know well-ahead of time, what will be expected of them, and what they can expect – the preferable state of affairs since we have no intention of "sneaking up on" anyone in our programs. With that purpose in mind, what follows is the Teen Ranch pre-placement protocol:

A. Whenever any inquiry is received, regardless of the source, by any Teen Ranch employee regarding the potential placement of a youth at Teen Ranch through any governmental entity, the employee shall inform the Admissions Director[1] of the name, address, phone number, fax number, e-mail address, and status (parent, guardian, caseworker, lawyer, etc.) of the inquirer, and other pertinent information concerning the prospective youth, to be done as soon as possible after receipt of the inquiry and, in any event, within 24 hours.

B. The Admissions Director will convey, via the swiftest means available, the Pre-Admission Packet to the inquirer. This Packet consists

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[1] Specific staff positions mentioned or described throughout this Directive, such as "Admissions Director" or "CEO," refer to both that particular person and, in the case of expressed delegation of authority, to that person's direct designee. This applies in particular to emergency situations, vacancies, vacations/sick leave, times of unavailability, and the like.

of 1.) an explanatory letter from the Admissions Director, and 2.) a disclosure document authored by Teen Ranch describing the Christian character of Teen Ranch and its program. These documents are designed to include space for the youth, his parent/guardian, and any relevant caseworker to sign, evincing receipt and understanding of the disclosure and the willingness of the youth to participate in the Teen Ranch program. The explanatory letter also serves to inform the reader that no **further action will be taken by Teen Ranch to facilitate this placement** unless and until the disclosure form is returned to Teen Ranch, signed by all appropriate persons, and signed by the youth, in particular.

C. If the disclosure document is returned, signed by the youth and all other appropriate persons, the standard admissions process will continue. If any questions or concerns are expressed by the inquirer, those shall be referred immediately to the Admissions Director for response.

D. To ascertain the status of the prospective placement, the Admissions Director will follow up on any disclosure forms that are not returned, or returned unsigned, in a reasonable period of time.

E. A copy of the fully executed disclosure document, and explanatory letter will be made a part of the youth's permanent file.

Any deviations from this protocol must re pre-approved, in writing, by the CEO, with a detailed explanation of the approved deviation, and the rationale. The CEO then shall update this Board of the deviation at the next regularly scheduled board meeting where the Board, in its authority, retains the ability to overrule, modify, deviate, or approve any such changes.

It must be stressed that, both out of legal considerations and out of our own commitment to Christian charity, it is vital that those who consider Teen Ranch as a residential placement facility be given a full, fair description of our program, its Christian orientation and its mission. The potential placement then is equipped to make an informed, free, non-coerced decision to participate.

In simplest terms, Teen Ranch is committed to see that **"nobody gets here by accident."**

II. ADMISSION PROCEDURE.

The purpose of Part I ensures that, even before a youth arrives at our door, Teen Ranch has taken all steps reasonably possible to fully inform the youth and the youth's representatives of the Christian character and nature of our facility and program. Moving on from this point in the placement process, Teen Ranch intends to make clear to the youth that, at any time during his/her stay at Teen Ranch, if the youth makes a conscientious determination that he/she no longer wishes to participate in the program of Teen Ranch due to its Christian character, he/she shall have Teen Ranch's full cooperation in relocating to a non-religious facility, or a facility more in line with his/her personal religious beliefs.

It is this Board's expressed intent to ensure that residents of Teen Ranch are participating in our program freely and voluntarily. We also recognize that both federal and state law provides these youth with the right to *demand* relocation, if they form an objection to the Christian character and attributes of our program.

Not only will Teen Ranch obey these laws, we embrace them.

Therefore, we shall ensure each incoming youth is properly advised of the rights these statutes accord them, and of Teen Ranch's absolute commitment to facilitate the youths' exercise of these rights. This will happen immediately as the youth arrives on campus as part of our admissions procedure. Therefore:

A. During the check-in portion of the admissions process, the Teen Ranch staff conducting the admission shall provide each incoming youth, and any parent/guardian/caseworker/lawyer accompanying him/her with a "Statutory Rights Advice Form" for the youth to read and countersign prior to the youth's transport to his/her accommodations. The staff shall request the signature of the youth and the accompanying adult(s), if any, and allow each to retain a copy. The signed Advice Form shall be made part of the youth's permanent record. *There will be no exceptions to this requirement.*

B. Once, and only if, Step A above has been completed, the remainder of the admissions process shall continue.

C. If the youth, upon reading the Advice Form, expresses any desire to be relocated, the admissions process shall cease immediately, and the CEO of Teen Ranch shall be notified immediately to ascertain the status of the youth's preferences and to facilitate relocation, if that is demanded. *Under no circumstance is the staff to attempt to dissuade the youth of his/her desire to relocate, nor is it the duly, obligation, or inclination of Teen Ranch to do so.*

The purpose of this protocol is two-fold. First, it is a failsafe device to verify that the youth is actually willing to participate in the Teen Ranch program. Second, it is designed to make clear to the youth that he/she retains the right to be relocated if, at some future time, his/her conscience dictates. *This is not, as some may think, an invitation for the youth to "pick and choose" what he/she will do.* It is serious business of acknowledging each youth's statutory rights, and rights as a child of God, endowed with free will.

Our mission is to help these youth mold their free wills. Our Mission is *not* to subvert that will. **"Nobody stays here against his conscientious will."**

III. OBJECTION POLICY & RELOCATION PROCEDURE.

This aspect of the Directive governs what Teen Ranch shall do if ever a youth 1.) objects to individual religious activities while at Teen Ranch or 2.) expresses an objection to the religious nature of Teen Ranch to any Teen Ranch staff. In reference to number two, such objection triggers an immediate obligation on the part of the placing agency to provide

non-objectionable services, accomplished by transferring the youth to an alternative provider.

The Board of Teen Ranch regards this right to object as the legal right of every resident, and a right granted to each youth not only by Congress and the Michigan Legislature but by his/her Creator.

It is clearly not our place to deny this right, however ill-advised we may consider its exercise to be.

Surely, we hope to convert the wayward youth with whom we come in contact to the knowledge of and devotion to Christ Jesus. We also know that no such meaningful conversation can take place if coerced by man. This is why church attendance, prayer, Bible study, and the like has always been encouraged, never mandated, at Teen Ranch as part of an effective treatment program, where other alternative activities then have been provided for the youth such as homework, letter-writing, or other productive personal or organized activity in a designated common area.

Regardless, youth at Teen Ranch are never to be rewarded or disciplined based on whether or not they choose to participate in religious activities, although behavioral problems at such activities will be consistently handled regardless of the fact that the activity happens to be religious in nature.

In our 38 years of experience, individuals who feel forced or coerced into such activities soon grow to resent the experiences we whop and pray they will grow to appreciate, thus defeating the very purpose of the activity, specifically, and the mission of Teen Ranch, in particular.

However, recognizing that Christian habits are evident in residential life at Teen Ranch, exemplified by mealtime prayers, the employ of a privately paid chaplain, "The River" program, or reading aloud from the Bible at "lights out," these habits may on specific

occasions clash with the conscientious will of an individual youth.

We do not believe the mere fact a youth chooses to take up residence at Teen Ranch limits their religious choices, which would circumvent their free will under the umbrella of God's grace. Thus, youth objecting to participate in such activities are not required to participate and may either sit quietly in observance or, if they prefer, excuse themselves to another location of relative close proximity.

In the specific case of church attendance, individual youth wishing to participate in religious services of a differing faith shall, *at a minimum*, be allowed transportation to alternative religious services by the youth's parent(s), guardian(s), or otherwise pre-approved adult visitor.

While these procedures have no intention to circumvent the importance of the youth's prior informed consent or the "opt out" procedures below, if these or similar actions pertaining to specific religious activities *under the discretion of Teen Ranch* are insufficient to resolve the youth's objection, the youth's consistent objections shall be treated as an objection to the religious character of Teen Ranch and relocation procedures shall begin, as outlined below:

A. If any youth tells any staff member that he/she (as opposed to a different youth who has not so expressed him/herself) has developed an objection to the religious character and program of Teen Ranch, and wishes to be relocated, the staff member shall immediately report this request to the CEO of Teen Ranch, and take no further action with regard to the youth. The staff shall refrain from any discussion of the

matter with the youth, except to inform the youth that his/her request will be brought to the attention of the CEO for further, immediate action. **No staff shall attempt to dissuade the youth in anyway.**

B. If any youth's personal religious beliefs cannot be reasonably accommodated, such as outlined above, the same policy and procedure applies and the request(s) shall be treated as an objection to the Christian character of Teen Ranch.

C. The CEO, immediately upon receiving the report referenced in Step A, shall inform the youth's caseworker, parent(s), and/or guardian of the request, after having met with the youth to ascertain that, in fact, this is the youth's desire. The CEO will inform the caseworker, parent, and/or guardian as the case may be that Teen Ranch will await their further instruction. If no further instruction is forthcoming in 2 days, Teen Ranch will take whatever steps are legally appropriate, including petitioning the relevant Court, to verify the youth's request and to facilitate relocation, if it is so verified.

D. The CEO shall keep a detailed, written record of each request, the steps taken in response by Teen Ranch and others, and shall retain the record as part of the youth's permanent file.

E. If the youth's caseworker confirms the request and desire for relocation, each and

every Teen Ranch employee involved shall fully cooperate in and facilitate the relocation. If the appropriate adult (caseworker/parent/guardian/lawyer) notifies Teen Ranch that the relocation request is false, or has been retracted, the CEO shall confirm this event in writing to the adult, and retain a copy of the confirmation in the youth's permanent file. *No penalty or negative consequence shall be applied to a youth who exercises his/her statutory right to relocate but, for any reason, chooses to remain at Teen Ranch following the initial request or demand.*

As has been repeatedly set forth, and as has been the policy of Teen Ranch for more than three decades, Teen Ranch is an overtly, non-denominational Christian facility with a fully Christian worldview. We hope to touch and improve the lives of the youth we encounter and surely welcome their conversion to Faith in Christ, or a deepening of their pre-existing Christian Faith.

We also know that coercion is not a tool of conversion, and force is not an implement of grace. Congress and the Legislature have acknowledged what we as Christians already know: it is wrong to force a conversation on anyone, and wrong to deny them the right – given to them by God – to turn their back on His calling. Hence, Teen Ranch shall meet and exceed the requirements of law when it comes to allowing those who, for conscientious reasons, wish to be relocated.

While this right may not be fully appreciated by others, it certainly does not grant them the right to regulate individual activities or eliminate them

altogether. We will not distinguish ourselves from our critics by emulating them. Hence, we will force no one to remain at Teen Ranch who conscientiously objects, evidenced through a variety of ways, to the Christian character of this facility and program. Stated another way, **"we keep no religious prisoners."**

****

CONCLUSION

This Directive contains certain particulars that have not been published or formalized before, but adheres to the same principles and practices that Teen Ranch has observed for 38 years, and then some. This Board has approved it for immediate publication and full implementation by August 1, 2004.

There will be no exceptions.

Any violation of, or failure to comply to, any aspect of these procedures shall be grounds for progressive discipline of the guilty employee(s) and may, in a particularly grievous instance, be grounds for immediate termination.

It is true that many of these provisions coincide with certain legal requirements. Certainly, the positive law compels our obedience. More to the point, this Directive responds to the dictates of God's own Law concerning His desire that His creatures know, love and serve Him of their own free will, and that each of His creatures be responsible for the exercise of this free will. As such, in no way does this Directive, and the procedures called for in it, detract from our mission.

As a Christian facility, these laws *are* our mission.

Confirmed with unanimous consent, this twenty ninth day of July, in the year of Our Lord, Two Thousand and Four.

/s/ Dr. Robert Brengel	/s/Dr. Clifton Clendenan
/s/ Loren Epler	/s/ Steven Harms
/s/ Dr. Thomas Jackson	/s/ Verlin Morgan
/s/ Mitchell Nichols	/s/ John Shelton
/s/ Dennis Squires	/s/ Andrew Trotogot
/s/ Matthew J. Koch, CEO	/s/ Mitchell E. Koster, COO

[Text taken from Teen Ranch website found at http://www.teenranch.com/mission.asp]

[Illustrations Omitted]

Vision
For the character of Jesus Christ to be manifest in every individual, family and community throughout the world.

Mission
Providing hope to young people and families through life changing relationships and experiences from a Christian perspective.

Theology of Mission
A ministry of reconciliation through evangelism, discipline, and social responsibility.

Core Value
People: We are committed to people for all are valued of God. Therefore, we respect and honor each individual as we fulfill our mission.

Truth: We are committed to truth revealed by God as the absolute foundation for the accomplishment of our mission.

Integrity: We are committed to integrity through responsible actions and accountability in lifestyle, management, and leadership in the accomplishment of our mission.

Excellence: We are committed to excellence which demonstrates the highest quality in all aspects of our mission.

[Text taken from Teen Ranch website found at http://www.teenranch.com/residential.asp]

[Illustrations Omitted]

Since 1966, Teen Ranch has provided fully licensed, state approved placement facilities for delinquent, neglected, abused, and emotionally troubled youth between the ages of 11 and 17.

Residential Care provides three distinct models to meet the enormous challenges of today's youth. Each model is designed to meet the children's needs through:

- Emotional and psychiatric counseling by trained and certified therapists
- An educational program focused on improved literacy
- Vocational programs concentrating on skilled trades
- Physical health and nutrition
- Spiritual reconciliation through the grace of God.

Welcome to Teen Ranch

This is undoubtedly a difficult time in your life. Your consideration of Teen Ranch did not come lightly, and it is our goal to make your time and your child's time with us comfortable, effective, and an experience that will never be forgotten.

Included in this booklet is a wealth of information for us to begin our journey together. I trust you find it useful and will thoroughly review the information prior to your child coming into care, as well as referring to it periodically during the time of treatment.

Teen Ranch is a unique ministry, one developed for the sole purpose of changing the lives of children and developing a closer relationship with Jesus Christ. This path we embark upon will be intense, emotional, sometimes frustrating, yet ultimately rewarding.

I look forward to walking along with you and your family in this journey.

In Christ,

/s/

Matthew J. Koch
Chief Executive Officer

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Teen Ranch Statements of Purpose

The Vision

[Illustration Omitted]

For the character of Jesus Christ to be manifest in every individual, family, and community throughout the worlds.

The Mission

Providing hope to young people and families through life changing relationships and experiences from a Christian perspective.

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Excellence: We are committed to excellence which demonstrates the highest quality in all aspects of our mission.

History of Teen Ranch

One day, almost 50 years ago. . .
Two young men named Joe Koch and Ray Clendenan took a group of boys experiencing trouble in school camping for a week. Part of Youth for Christ, the two men shared with the boys, played with the boys, hiked and camped with them, prayed and cried with them.

On the way back from the cabin on the small northern Michigan lake, Joe turned to Ray and said, "We really made a difference in these boys' lives this week. What would happen if we could spend more time with them?"

That is when the dream of Teen Ranch began.

Since that time almost half a century ago, Teen Ranch has grown to include 3 homes for children, a large vocational/recreational facility, a high ropes course with a 50 foot climbing tower, and a core group of experienced, professionally trained staff dedicated to the discipline necessary to help children and families struggling to survive in a difficult world.

Over this time, Teen Ranch has impacted the lives of almost 10,000 children, providing hope to these young people and families through the life changing experiences and the relationships they developed at the Ranch—all through a distinctly Christian perspective.

The Lord has been abundantly faithful to the Ranch, remaining committed to its purpose through the good times and through the rough stretches. We look forward to you and your family becoming part of this worthy organization, as we open a new chapter in the history of Teen Ranch.

Your schedule at the Ranch

First Sunday

10:00	Welcome and Sign-In
11:00	Worship
12:00	Lunch
1:00	Presentation
1:30	TREK
3:30	TREK Debriefing
4:00	Parental Departure
5:00	Dinner
6:00	Youth Orientation
7:00	Light Interaction
8:00	Showers
9:00	Journals and Private Devotions
9:30	Lights Out

Week Days

6:00	Awake, Hygiene, Breakfast, Room Chores +
7:30	Group Devotions
8:00	School/Individual Therapy Sessions
10:00	Hand On Experience/Community Service
12:00	Lunch
1:00	TREK

3:00	Debrief/Group
4:00	Light Interaction
5:00	Dinner
6:00	Light TREK
8:00	Showers
8:30	Journals and Private Devotions
9:30	Lights Out
9:45	Late Night

Saturdays

6:00	Awake, Hygiene, Breakfast
7:30	Group Devotions
8:00	House Chores #
10:00	Off Campus Experience (Packed Lunch)*
3:00	Return to Campus & Debriefing
4:00	Light Interaction
5:00	Dinner
6:00	Light TREK
8:00	Showers
8:30	Journals and Private Devotions
9:30	Lights Out

Sundays

7:30	Awake, Hygiene, Breakfast, Room Chores +
9:00	Church
1:00	Lunch
2:00	Family Visit/Organized Activity
5:30	Parental Departure
6:00	Dinner
7:00	Light Interaction
8:00	Showers
8:30	Journals and Private Devotions
9:30	Lights Out

Graduation Day

7:00	Awake, Hygiene, Breakfast
8:00	Goodbye Devotions
8:30	Pack Up
9:00	House Chores #
11:00	Get Ready
12:00	Lunch
1:00	GRADUATION!
3:00	Departure

* Off Campus Experience may include attendance at a sporting event, bowling, ice-skating, sledding, hiking, lumberman's camp, Frankenmuth, canoeing, or similar type activities.

+ Daily Chores include making the bed, tidying up the bedroom and living area, folding/putting away clothes, meal prep, dishes, etc.

Other Chores may include bathroom cleaning, kitchen duty, vacuuming and moping, dusting and polishing furniture, window washing, lawn mowing/trimming, maintenance projects with staff, cleaning the Vocational Building, etc.

Frequently Asked Questions

What is Teen Ranch?

Teen Ranch was founded almost four decades ago as a tool to minister to troubled young people and their families.

Teen Ranch is a private, non-profit, non-sectarian, yet distinctly Christian residential treatment facility. It is fully-licensed by the state of

Michigan, demonstrating complete compliance for safety and facilities for the programs your child will participate in—everything from the qualifications of staff to proper fire safety procedures.

What is the Mission of Teen Ranch?

Teen Ranch's mission is *"to provide hope to young people and families through life-changing relationships and experiences from a Christian perspective."*

How does this statement move from theory to practice? Through two words: *hope and relationships.* By *hope*, we refer to the hope and promises only found through the love and redeeming power of Jesus Christ. This new found hope found in Christ offers children a realization that they are no longer living just for themselves, but they may have a higher calling and responsibility to One much greater.

The basis of everything we do revolves around building stronger *relationships*—youth to youth, youth to staff, youth to parent, and staff to parent. And, of course, everyone building a closer relationship to Jesus Christ. Through these solid relationships based on trust, staff and parents are granted more authority and credibility in the eyes of the struggling child, being allowed to better communicate with this child the truly important things in life.

What is "residential treatment?"

When teenagers demonstrate self-destructive behavior, often their best course of treatment is to remove them from their current environment, placing them in an alternative loving and caring atmosphere.

This atmosphere—24 hours a day—must be designed to allow the child to re-evaluate past

decisions, equip them with the ability to make better judgments, and enable the family unit to resolve future conflicts.

Where is Teen Ranch located?

Teen Ranch is located in the heart of Michigan's "Thumb" region. Seventy miles north of Detroit, Marlette is a rural farm town with rolling hills, an abundance of wildlife, and a community of traditional conservative values. (See enclosed map)

Due west of Marlette is the Teen Ranch Clendenan Campus, named after Teen Ranch founder Ray Clendenan. One of three ranch-style residences will be home to your child for the duration of their stay. A picturesque piece of property, the campus also boasts a large vocational building housing, among other things, a full court gymnasium. Swimming facilities are available in the warmer months and, of course, Teen Ranch's TREK course and 50 foot climbing tower is the most recognizable fixture.

How do I know if my child needs to be at Teen Ranch?

Teen Ranch will evaluate your child's needs prior to intake. Our seasoned staff of Master's and Doctoral level staff can help you determine the proper course of treatment for your child. We are ethically and legally bound to proscribe the best course of treatment for your child—be it at Teen Ranch or another course of therapy altogether.

Why is my child exhibiting self-destructive behavior?

Oftentimes, children are "grieving," but their behavior may manifest itself in delinquent activities or actions: poor school performance, rebellion, substance

abuse, depression. Grief may come from a host of experiences during the life of your child, such as death of a loved one, divorce, separation from friends or family, or frustration due to uncontrollable events.

The activities your child will undertake at Teen Ranch are designed to uncover the real reason why your child behaves the way he/she does, not simply trying to alleviate symptoms. Teen Ranch searches for the core problem, then provides alternative outlets to funnel "grief" other than through negative behavior.

What type of activities will my child be participating in?

Every activity we do is designed to build relationships, as well as offer insight to your child about their life's direction. These activities include:

- TREK adventure-based activities
- High-ropes adventures to build courage, trust, and teamwork
- Low-ropes adventures which offer insight into decision-making
- A work program teaching skilled trades
- Regularly scheduled off-campus outings

What will be required of me, as a parent/guardian?

From our experience, the problems exhibited by your child is not 100% their fault. You may need to realize that the "problems" may be the environment in which he or she is being exposed to. What the child did to get here is not the *real* problem. Most of the time their negative actions are *reactions* to others' unhealthy *actions*. Dealing with these issues will be done in a variety of manners:

- Teen Ranch strongly recommends the parents' involvement in family counseling in their local area.
- There will be required homework assignments for you while your child is at Teen Ranch.
- Sunday youth/parent visits to review the last week's progress, look forward to the coming week, and spend positive time together in an alternative setting.
- Teen Ranch encourages utilizing other Christian organizations-including your local church to help during your child's care and in their after-care program.

We recognized there may be severe financial or travel restrictions on some of these requirements, yet we also strongly desire that your child's treatment, your investment, and your family's experience with Teen Ranch will be as beneficial as possible.

How long will my child live at Teen Ranch?

The typical stay for a youth is 4 weeks. We recognize, however, that it is not always possible to build strong enough relationships in that brief period, nor offset possibly years of negative behavior in these few days.

Nevertheless, your child will leave Teen Ranch equipped with the proper tools to reach their goal—whatever that goal may be.

Following the completion of the 4 weeks, you may feel that the Teen Ranch Treatment Team has just begun to touch the surface of the core problems facing your family. If this is the case, your child is welcome to stay an additional session (pending availability), or as many sessions you feel adequate to fully meet the needs of your child.

Moreover, Teen Ranch may offer "refresher courses" throughout the year for graduates of the program. This may include weekends or weeklong stays, or maybe even extended trips to other sites. Once you come to Teen Ranch, you become part of our extended family. We fully intend that your time with us be as long as necessary—not a day longer.

Where will my child go to school?

It must be realized that formal education is not the primary goal of this program. Our primary goal is your child's rehabilitation, and their education must complement his/her therapy. What good is a high school education if your child's behavioral needs are never met?

Each day the child has regularly scheduled educational time. The curriculum will depend upon your child's current schooling and the homework provided by you and your child's teachers. Each week you will be asked to provide, through your current school, adequate coursework/homework for your child to complete each day.

To aid you in this area, you will be assigned a Teen Ranch Educational Coordinator whose duty is to ensure smooth transition from and back to school, acting as a liaison between the child, the family, and the school, and to adequately meet the needs of the child's education so that the child does not needlessly fall further behind.

In terms of personal items, what does my child need while at Teen Ranch?

The only necessary item is appropriate clothing. We will provide our suggestions as to the type, styles, and number of each article prior to intake.

Additional items are recommended but not required, such as pictures, books, magazines, and a modest amount of personal spending money. Personal monies will be managed by the Teen Ranch Finance Department as outlined in the Allowance Procedures.

Certain things will be considered inappropriate as outlined in the Youth/Parent Handbook. Remember, this is not a summer camp but a place for intensive therapy and treatment.

All of your child's articles will be inspected at intake, following visits, and on regular intervals to prevent the possession of inappropriate or illegal contraband dangerous to your child and other children, or which may interfere with his/her treatment goals.

My child has special medical needs. How are they going to be managed?

Teen Ranch employs a Medical Specialist whose duty is to ensure the medical needs and physical health of all the children in care. Special medical needs must be communicated to Teen Ranch prior to admission and again at the time of orientation.

Teen Ranch is not a medical facility. If your child has extreme medical needs, such as anorexia or bulimia, or has severe developmental disorders, your needs may be better served at another facility. Teen Ranch will assist you in making an informed decision.

For medical emergencies, the town of Marlette has a regional medical center. The nearest Trauma center is in Lapeer, roughly 30 miles away.

How do I keep in contact with my child during his/her stay?

Contact between you and your child will be monitored through your child's therapist and treatment team. Your child's therapist will contact you on a regular basis to update you on your child's progress, as well as preparing you for regularly scheduled visits (usually on Sunday's) and other opportunities and assignments to actively partake in your child's treatment.

At the time of intake, you will be given contact information for your child, from their house's phone number to emergency staff cell phone numbers where they can be reached 24 hours a day.

The treatment goals of your child should be your first priority. Excessive direct contact between you and your child could be detrimental to this goal.

What if my child runs away?

Your child is at Teen Ranch *voluntarily*. If your child decides to leave, or you wish your child to be removed, there is very little that Teen Ranch can do legally to "force" him or her to stay.

Procedures are in place, of course, to make it disadvantageous to you and your child to discontinue participation prematurely.

If your child attempts to or successfully truants from Teen Ranch, policies explained to you during intake will be followed to communicate with you in determining the next appropriate action.

My spouse/ex-spouse/child's other parent is opposed to my child being at Teen Ranch. What can I do?

First, not everyone in your child's life will agree with your difficult decision to send your child to Teen Ranch. As long as these people *accommodate* the stay, and do not try to *interfere* with treatment, it is a situation Teen Ranch has great experience in handling. From this experience full and complete participation by every family member is quite rare.

Second, if another adult has rights over your child and wishes the child be removed—even temporarily—again there is little Teen Ranch can do to prevent this. It cannot be stressed enough, the entire family must be in voluntarily favor of the child's stay at the Ranch, or any member of the family can "pull" the child out at any time.

Third, if there are people who your son/daughter is not allowed contact with, you can indicate this on the proper Visitation/Contact Form. Attempts to illegally remove your child from care by, say, a non-custodial parent, is tantamount to kidnapping, and may be treated as such, up to and including using local law enforcement to protect your rights and pertinent court orders.

If my child becomes violent, what procedures are in place?

Teen Ranch has trained and qualified personnel with the ability to physically manage your child's possible violent behavior, when appropriate. Your child may be physically restrained if he or she is:

- A threat to him/herself
- A threat to others
- A threat to cause major property damage

If your child is ever physically restrained, the staff shall document the event with an Unusual Incident Report outlining the specifics of the situation and the treatment measures taken to deescalate your child prior to resorting to physical management. A Teen Ranch staff will also attempt to contact you at the next available opportunity to apprise you of the situation.

Is Financial Aid available?

Yes. Thousands of individuals and families throughout the country financially support Teen Ranch, believing this to be the best tool to help your child succeed in a difficult world. Their generous contributions to the Ranch, as well as your ability to finance your child's stay, may be able to reduce your monthly fee, or possibly defer all payment until after your child has left the care of the Ranch, among them:

- Low-credit/no-credit loans through *Patient Financial Services*
- A sliding-fee scale
- Scholarships from churches, business, and private individuals

In the Financial Information & Financial Aid section (Tab 8) is an application for financial aid. Upon receipt of your application, a Teen Ranch committee will review your application, objectively taking into account your personal financial situation as outlined in the application, then recommend specific strategies to assist in your tuition payments.

Why Teen Ranch?

Teen Ranch may be the very program that could change your child's heart. Although only God can truly change a person's heart, we know that God uses people as His instruments.

At Teen Ranch your child will receive the kind of environment that is safe, effective, based upon godly mentoring, and provided by Christian staff. Through the building of healthy relationships, the staff at Teen Ranch offers your child the insight he/she needs in order to make the positive changes toward a meaningful life—thus granting your child *the knowledge of being made in the Image of God, then equipped with the tool to become a Kingdom Builder.*

Travel Information

[Michigan Map Omitted]

Driving Directions

I-75 to I-69 East
North on M-53 (Van Dyke), Imlay City, Exit 168
22 Miles North of Imlay City
East on Marlette Road (4 miles)

Teen Ranch Administration building located:

4672 Marlette Road
Clifford, MI 48727
(989) 761.7511

Airport Information

Flint (Bishop International Airport)

Located at the junction of I-75 and I-69, the Flint International Airport is a quick, convenient "in and out" airport that many Detroit residents choose to use rather than the larger, more congested Detroit Metro. Teen Ranch highly

recommends Bishop Airport for your travel needs. It is approximately a 55 minute drive from Teen Ranch.

Detroit Metro

Located West of Detroit, Metro Airport serves virtually all air carriers. It is a major hub for Northwest Airlines. Metro Airport is a 2 ½ hour drive from Teen Ranch.

Marlette Airport

Not serving commercial travelers, the village of Marlette has facilities for your private aircraft. Call for details.

Overnight Accommodations

Teen Ranch recommends the Days Inn located in Imlay City for your travel comfort. It can be reached at 810.724-8005

Upon your request, we will arrange reservations for your convenience.

In addition, if overnight hotel stays are not financially feasible, Teen Ranch may have temporary housing available for your time with us, free of charge.

If your child requires ground transportation either to or from an airport, or within a reasonable driving distance, contact us directly to discuss logistics.

Your Therapy Team

Michael Hutchens, MA, MSW
Therapist
Mr. Hutchens has been a therapist with Teen Ranch beginning in 1997. After growing up in Wheaton, Illinois, Mike attended Murray State University and graduated with a degree in Social Work, then continued his formal education at Asbury Theological Seminary where he received a Master's in Christian Counseling. He also has a Master's in Social Work from the University of Kentucky (Lexington).

Mike "The Coach", also teaches seminars focused on building stronger marriages, and is an adjunct professor with Spring Arbor University. He and his wife, Susan, are residents of Kingston, Michigan and have three sons, ages 15, 13, and 8.
EMERGENCY CONTACT: 989.529.0608

John Morris
TREK Leader
Mr. Morris has been with Teen Ranch for a dozen years, specializing in the adventure-learning component of therapy so integral to the Teen Ranch program. Mr. Morris uses his special gift of weaving Scripture and therapy into everyday activities of the children, adding unique insight for your child to overcome their daily struggles.

John, his wife and daughter live in Sandusky, Michigan.
EMERGENCY CONTACT: 810-648-2214

John Diel
Team Leader
Mr. Diel has been with Teen Ranch for 5 years and been in the role of leadership for the past two. He came to Teen Ranch after years as a successful licensed builder, feeling called to leave his business to go into full time ministry work. John coordinates the staff and youth activities, working closely with and leading the team to reach the treatment goals.

John and his wife Sue are residents of Marlette, and are also licensed foster parents through Teen Ranch.
EMERGENCY CONTACT: 989-233-4577

David Aldridge
Work Group Leader & Facilities Director
Mr. Aldridge and his wife, Dory, started with Teen Ranch almost 20 years ago as House Parents. Dave leads the children in work projects, both at Teen Ranch and in the community. These service-learning projects and voluntary work activities become integral to the treatment of the children. Working side-by-side with the children, Mr. Aldridge has a unique perspective on reaching troubled children, building relationships with the children and offering life's lessons in this environment.
EMERGENCY CONTACT: 989.529.0584

Lind Perry
Medical Services & Education Coordinator
The physical health of every child in care is the primary need for each Teen Ranch child. Mrs. Perry oversees the medical needs of the children in care by dispensing all medication and evaluating the psychiatric and medical needs of each child. Ms. Perry also is the liaison for academic questions and relaying homework assignments for your child. She is your contact for specific health related questions or concerns regarding the education for your child.
EMERGENCY CONTACT: 989-635-7351

Terry Stark
Director of Finance & Information Technology
Mr. Stark has been with Teen Ranch for 5 years, first as the Information Technology Director then utilizing his financial management ability to combine these services with the Finance Department. As chairman of the Financial Aid Review Committee, Terry is the team leader for questions regarding financial aid, working to make the care of your child as affordable as possible to you and your family.

The husband of a Deputy Sheriff, Terry was previously a small business owner and a consultant with a national information technology consulting firm. He is the father of a 10 year old son, and resides in Caro, Michigan.
EMERGENCY CONTACT: 989.233.4355

Mick Koster
Chief Operating Officer
Mr. Koster has been with Teen Ranch since 2001, being promoted to COO in 2003. Mr. Koster is the operational director for all of TeenRanch. Questions about policies, grievances, or concerns may be addressed directly to him.

Mick has a BA from Calvin College and a Master's in Public Administration from Michigan State University. He is also an adjunct professor of business at a local Christian college. He and his wife have two young daughters and reside in Oxford, Michigan.
EMERGENCY CONTACT: 248-939.0577

Other Emergency Contacts:

Marlette Community Hospital 989.635.4000
Koch House: 989-761.7041
McClaren Regional Medical Center 810.664.8511
Moore House: 989-761.7139
Morgan House: 989.761.7108
Tuscola County Sheriff: 989-673-8161
Administration Office: 989-761-7511
1.800.REACH 4-1

Testimonials

Rich S., San Diego (Teen Ranch 1970)

Dear Mr. Ray. Clendenan [founder of Teen Ranch]:

Hope this letter finds you in good health and the greatest of spirits. This letter is most unusual and I hope it doesn't come as too much of a shock.

I don't know if you remember me, but if I may help, back in the early years of Teen Ranch when Mr. and Mrs. Sampson were the house parents in building #1, I was one of the first to be with Teen Ranch as a young man. Shortly after building #2 was built, I moved in with Mr. and Mrs. Potter.

When I arrived at the Ranch I was, like most boys at that time, a ward of the court. My mother died when I was 8 and by the time I arrived at Teen Ranch my father had given up on me. It was a confusing time in my life, and you took me in with open arms and helped mold me into the man I am today.

With your help, guidance, and outlook along with the Samson's and Potter's, I ended up an asset, not a liability. I can remember as a young man going to your farm, picking up rocks in the fields, riding your tractor, and the many other activities you used to hold for us, like Halloween parties in your barn and many, many more. You took the time to work with each and every one of us. I think the one thing that has been with me for so many years was the fact that you treated me like I really was someone special, and you cared a great deal about each and every one of us boys.

To give you a summary of events, after I graduated from high school at Teen Ranch I enlisted in the Marine Corp. and ended up serving two tours in

Vietnam. After my honorable discharge from the Marines, I traveled the U.S. a great deal, finally settling down and furthering my education. I got into the field of construction in which I now own my own construction company. I have two beautiful daughters in which I am very proud of both of them.

For some strange reason in which I cannot explain, after leaving the Ranch I have never returned. However, Teen Ranch has never been forgotten and has always had a place in both my mind and heart. Now here it is 33 years lager and I never had the chance to thank you for your guidance and the learning experience I would never have received if I had not been with Teen Ranch.

Mr. Clendenan, from the bottom of my heart, I personally wish to say, "Thank You!"

Mike M., Pontiac, MI (Teen Ranch 1973-1974)

If it wasn't for Teen Ranch, I'd be dead right now.

Patty B., Jamestown, TN

I had a son that was at Teen Ranch in Marlette, and that was the best thing that has ever happened to him. This was some years ago, and my son is now 36 years old and has a wife and family. I know how you work there and the wonderful things that you can do to help children in trouble.

[Text taken from Teen Ranch website found at http://www.teenranch.com/ceo.asp]

[Illustrations Omitted]

Dear Family,

I have an update to share with you regarding what is happening with Teen Ranch and our struggle with the State of Michigan. Before I do, I feel compelled to share some thoughts that are on my heart.

First, let me express my sincere gratitude to all of you for faithfully responding to our needs over the past several months. Your heartfelt response was overwhelming and a testimony to all of us at Teen Ranch. We realize that many of you gave above and beyond ... and many of you gave sacrificially. We feel a strong sense of responsibility to you as a donor and our friend ... and to God as stewards of all that He has entrusted to us.

Secondly, let me reaffirm that our passion at Teen Ranch is to reach kids for Christ! We are all about leading kids to Christ ... loving them unconditionally ... and cheering for them as their lives turn from a path of destruction to a path of life and hope for the future. **Our current struggles with the state and financially will not distract us from our passion and our mission!**

Finally, let me share our most recent updates with you. We have several reasons to be thankful and to be encouraged.

The Alliance Defense Fund (ADF) has been an absolute blessing to us in providing excellent legal

council. For many weeks, they tried numerous times to convince the State of Michigan Family Independence Agency (FIA) that their actions were illegal and violated both state and federal law, as well as the U.S. Constitution to no avail.

ADF prepared and filed a suit against the State of Michigan FIA on behalf of Teen Ranch. Literally ten minutes after receiving word of our suit, the State of Michigan FIA changed their unjustified legal position and lifted the moratorium!

FIA lifted the moratorium and Teen Ranch did not have to compromise its Christian Stand.

The federal judge presiding over our case is requiring FIA to appear in Court on March 24, 2004 to explain why it imposed a moratorium in the first place. We know it was because of our Christian stand and FIA was in violation of the law. We are praying that the truth will come to light.

This is great news! The state of Michigan FIA will once again place children at Teen Ranch where they have the opportunity to hear about our Lord. God if faithful and we thank Him for his victory!

We realize that our struggles are not over. We have only received a few calls for possible placement in the residential program since the moratorium was lifted and have not placed any children as of the date of this letter. We are hopeful that eventually they will come in.

As we prayerfully considered all the events of the recent months, we have to believe that God is leading us in a new direction.

We are pressing forward with our plans of being able to offer services for children, youth and families through private non-state funding. We are beginning the process of preparing the program outline and remodeling one of our existing homes. This privately supported program will be able to help families who are looking for a safe, loving, nurturing environment where their child can hear about the love of Christ and begin anew ... before any government agency becomes involved. It is our dream to be that place!

We are stepping out in faith believing God has already spoken to many of your hearts.

Please prayerfully consider a donation to Teen Ranch during this critical time and help us travel into a new era. You are playing a vital role in launching this new program, helping Teen Ranch through this financial crunch, and reaching many children and families for His Kingdom.

The remodeling of the first house for the new program is $75,000. Many have already helped, but we still have a need of approximately $60,000 to complete the project and open this new private funding home in June or July.

Our current need to meet our budget is $175,000. Just to show you how the Lord is working, last month our faithful partners gave approximately $75,000 of the $250,000 needed for this 3-month period.

As you can see, your gift of $1000, $500, $100, $50 and even smaller gifts add up when we put them all together.

Many are calling, asking when our new program will open. Will you help us heed the call ... walk by faith with us ... and help Teen Ranch continue its ministry to children and families?

Yours for young people and families
Matthew J. Koch, CEO

P.S. Please call Mike Bearden or myself at 1.800.732.2441 if you have any questions. We would enjoy talking and praying with you.

[Text taken from Teen Ranch website found at http://www.teenranch.com/ceo.asp]

[Illustrations Omitted]

Helping Hurting kids... HIS purpose, our passion!

Dear Family & Friends of Teen Ranch,

Why does Teen Ranch exist? Why were people like Ray Clendenan and my father Joe Koch so passionate about helping troubled young people some 38 plus years ago?

It was because they knew God could change children's lives ... and that He had a purpose and a plan for each one of these young kids ... and they knew God wanted them to do something about it.

Was it difficult to get started? You bet it was! Were their dreams launched at and challenged. Yes, and sometimes by people that were very close to them. Did they get discouraged? No! They knew God was behind it and that He was faithful. They persisted ... prayed ... worked hard ... invited others to join in ... prayed again and until finally one day in June of 1966 Teen Ranch began.

Our purpose and passion to serve hurting children with the message of "hope" through Jesus Christ continues ... regardless of our relationship with the state of Michigan.

Will it be difficult? You bet! We stand firmly, knowing God is faithful. He has not changed; He

wants Teen Ranch to continue ministering to troubled youth.

There are many families desperately in need of our help – families calling every week for Teen Ranch to help their troubled child.

Do you know a young person who is going astray? You see their life being pulled into darkness and you wish there were something you could do to help?

I don't think it would take very long to find a young person like this connected to our own lives. If you are like me, you say a prayer and maybe offer a word of encouragement, but then wonder "what more can I do?"

There are few programs offering help and hope for hurting families and youth at an early stage of delinquency – prior to the court system taking control. When it comes to distinctly Christian programs like those at Teen Ranch, the number throughout the country is only a handful.

We have a unique opportunity right here in Michigan to help families around the country running into roadblocks when it comes to finding help for their child from a Christian perspective.

I say all this to announce that you can help these children right now! Teen Ranch, with the support of our faithful friends and partners is able to reach out to those who for so long were forced elsewhere! Teen Ranch is opening a private care Christian program for hurting kids to meets this need, prior to the state and the court's involvement.

We have children waiting to enter our private care Christian program right now! We invite you to take this opportunity to make a difference in the life [*sic*] one of these children.

You can help a child find "hope" with a gift of $1000, $500, $100, $50 or $25. Your gift of any amount is greatly appreciated.

As you prayerfully consider the amount God would have you sow into the life of a child, please remember that our future rests in the hands of this next generation just entering adulthood.

Thank you for taking this wonderful journey with us.

Yours for young people and families,

Matthew J. Koch, CEO

Matt 25:40 – Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

Update: Our plight with the State of Michigan continues. Thank you for continued prayer support. We will provide updated information as our case progresses.

[Text taken from Teen Ranch website found at http://www.teenranch.com/ceo.asp]

[Illustrations Omitted]

Dear Family,

It has been an interesting and soul searching past few months at Teen Ranch.

In short, **Teen Ranch has come under attack from the State of Michigan because of our ministry to reach troubled children for Christ.** All of us, I am sure, have been hearing stories about Christians being harassed by government agencies and bureaucrats. **It is happening right now, right here, at Teen Ranch.**

Let me explain.

Every year in late October, the Sate of Michigan Family Independence Agency (FIA) audits and inspects Teen Ranch to ensure it is a safe, effective place to send troubled youth. **For all these years, Teen Ranch has accepted children who are wards of the State – we feed them, we clothe them, we counsel them, we laugh and cry with them. All for the opportunity to talk to them abut the love of Jesus Christ and the joy of knowing Him.**

As a result of this investigation, FIA wrote to us in a document dated December 2, 2003 that, **"Private agencies under contract with FIA may not impose their religious beliefs on children in our care."**

The report continues, describing a program used at Teen Ranch called "The River:"

> *In [Teen Ranch's] most recent brochure, it is state [sic] that "The River is a healing program designed to guide youth in discovering God's power in helping them overcome life's difficulties." Another brochure states that "The River" is a place where youth can "deepen their relationship with Jesus Christ" and "come to the cross."*
>
> *One youth interviewed complained that she was forced to attend "The River," which she described as consisting of singing six Christian songs and then watching a skit put on by a pastor and Teen Ranch staff, followed by discussion.*
>
> *Teen Ranch needs to reassess their program to ensure it complies with FIA policy.*

Let me tell you about this "terrible" River program, or so the State alleges. **Two weeks ago, a young girl in our care made a decision for Christ directly because of this program!**

To say the least, this report from FIA was troubling to both me and the Board of Directors of Teen Ranch. We sought clarification from FIA, meeting with them in Lansing on December 17. They issued us another document to clarify the government's position on ministering to trouble children. This document states:

> It will be essential for [Teen Ranch] to carefully monitor the practice of its employees relative to religion. Note: It is not only improper to force youth to participate in religious practices, but it is also improper to incorporate religious

teachings into the on-going daily activities of youth and their treatment plans.

Friends, we have two options.

The first option is to cave into the demands of the politically correct – compromising our mission **and our Christian values** for a few lousy dollars from the State of Michigan. This would be the easy path to travel down. This would be building our house upon the sand.

Or we can stand and fight. **We can stand strong and refuse to sacrifice what we know and believe to be right, trusting in God and His people to meet all our needs.**

This is building our house upon the rock.

I wish we could fight this battle alone, but we cannot. Now, more than ever before in the 37 year history of Teen Ranch, we need your prayers, your encouragement, and your financial partnership in reaching troubled children for Christ. **We hope you can commit to a monthly pledge** – be it for the entire year or over the next 3 months. **If you cannot support us every month, your one-time gift of $500, $100, or even $50 will do miraculous things in the life of a child.**

Any level of support you can give allows us to stand even stronger in defense of the principles we know to be true.

In Christ,
Matthew J. Koch, CEO

P.S. Please look forward to our next three monthly newsletters to hear our response to the State and learn more about our government's attack on this Christian ministry.

Standing in Faith
February 2004

Dear Family,

I need to begin this letter by sincerely thanking each and every one of you who have given so faithfully over these recent months. Your gifts, prayers and words of encouragement have given us added strength and determination to press on. Without you, we simply wouldn't be able to continue helping brokenhearted children transform their lives through Christ.

As you are well aware from our last letter, we are in an on-going battle with the State of Michigan Family Independence Agency. Simply put, we refuse to compromise our faith base and what has been working so well for us for the past 37 years.

The primary focus of our discussions with the State of Michigan Family Independence Agency (FIA) is regarding the Christian instruction and experience we offer the children in our residential care programs. The FIA has made its position very clear. It is not just about whether or not children attend religious services, it is about mentioning or talking about Jesus Christ at all.

The FIA position is that, under no circumstance, should a discussion occur with a client of Teen Ranch

regarding Jesus Christ or any faith-based Christian experience. They are recommending that we accept this position. Those of you who know Teen Ranch realize that this request is simply not an option.

The State FIA has put us on a moratorium, which means we cannot accept additional children in our residential program because we refuse to compromise our Mission statement of "providing hope from a Christian perspective" and our vision statement of "manifesting the character of Jesus Christ" to the children and youth in our programs.

We have made it clear that we are more than willing to comply with the State FIA on other levels, but when they say we can never discuss Christ or our faith ... we simply cannot compromise! Children's lives and futures are at stake and we owe them more than that.

There are more than 10,000 kids that have passed through the doors at Teen Ranch whose lives have been changed because of their time with us. We regularly hear from alumni and their statements have these commonalities.

"I am so thankful for the time I spent at Teen Ranch, because it was at the ranch that I was introduced to Jesus Christ and learned about having a relationship with Him. Today, my family and I are in church and walking by faith with Christ. I have a job and I am an asset to society and not a liability any longer."

This is why we stand firmly on our faith ... based on Jesus Christ!

Possibly, the Lord has put us in this position to set precedence for faith-based organizations across the country. This is an opportunity to bring our Christian heritage and our religious freedom to the forefront, and to remind the people of the United States that we are a blessed nation because of it.

Personally, this is the most meaningful cause that I have ever had the privilege of being a part of. This battle is the Lord's and **I am asking you to stand with us for the cause of freedom that all of us cherish, for the children of Teen Ranch, and most importantly for the cause of Christ.**

As you consider a gift to Teen Ranch this month, please think about the Christian freedom that you enjoy... and the fact that there are many individuals in our own country that would love nothing more than to see it all disappear completely.

In the next three months we must raise $250,000 to continue. This is almost twice as mush as we would normally need or receive for this same period. Please prayerfully consider your gifts to Teen Ranch over the next few months. A gift of $5000, $1000, $500, $100 or any amount over what you would normally give would be most appreciated.

Your faithfulness in prayer and financial support to Teen Ranch has never been more significant in what it can accomplish for the Kingdom of God. May God richly bless you and may God bless His work.

Yours for young people and families,

Matthew J. Koch, CEO

P.S. We are looking into the opportunities that present themselves in times like these. We are seriously researching the possibility of offering services for children, youth and families through private non-state funding. We are also doing our best to practice good stewardship with everything that God has entrusted to us. Please feel free to call 1.800.732.2441, email at hope@teenranch.com or click on our web site www.teenranch.com for more information.

THE RIVER

There is a cry in the hearts of young adults for radical intimacy and healing in relationships and for empowerment to live as the men and women they were created to be. At the same time, many young adults carve these things because they lacked (at least in part) intimacy and empowerment at home. Some carry with them the effects of abuse. Others began at early ages to make poor choices in relationships. As the standards for sexual behavior all but disappear in the broader culture, and many families are weakened or broken, healing, restoration and gut-level honesty become essential tools.

The River is an intense, healing group with a residential focus that deals with issues of sexual and relational brokenness. Many of the youth we deal with are experiencing a great amount of frustration in their relationships with family and others. -Issues such as abuse, insecurity, interrupted family dynamics, and specific sexual issues, keep them from making healthy, appropriate decisions in relationships. This is a program designed to change lives.

The River is a place where youth can:

< Deepen their relationship with Jesus Christ
< Get free to have healthy relationships
< Grow in a safe small group [Illustration omitted]
< Get help for the areas of pain in their lives
< Understand key relationships in their life (such as with parents)
< Be real about their life – the good, the bad, the past and the present
< Come to the cross
< Get rid of baggage

< Experience freedom

The River is connected with on-going treatment with the residential therapist and the on-line staff. The youth however, are allowed to maintain their treatment within the River and confidential. The [*sic*] are required to maintain the confidentiality of all other members in the River group.

Each youth will be expected to participate as a part of their treatment here at Teen Ranch. The River will also be a party of their treatment plan with an expected positive outcome. It is our hope that each youth will gain a better understanding of how their brokenness has affected the choices that they themselves have made as well as how their family dynamics may have played a part.

The River

The River is a healing program designed to guide youth in discovering God's power in helping them overcome life's difficulties. Cycling between houses every fourteen weeks, each of our youth is given an opportunity to complete this important program. By teaching relationship skills, avoiding involvement with the wrong people, overcoming addictions, and seeing hope and strength in God's involvement in their lives, The River is a powerful tool for our youth, as well as an important part of the overall Teen Ranch treatment program.

5. **Teen Ranch Level System**

The *Teen Ranch Level System* is based on the principle that youth are greatly influenced by their

peers. Often, this peer influences has been a very negative and destructive part of a youth's life. The *Teen Ranch Level System* uses the power of this peer influence to help young people develop positive values and a sense of care and concern for others. As a youth moves up through the five levels, he or she is challenged to care for others and make more responsible choices for his or her own life. By caring for others, a person's self-esteem grows, allowing the youth to receive help and deal with difficult issues. The *Teen Ranch Level System* encourages the youth to internalize positive values and develop *Personal Character*, becoming a life-changing beacon of hope for the future.

The *Teen Ranch Level System* is used to show the amount of progress a youth has made in the Teen Ranch Program. The *Level System* is progressive, which means that more controlled behavior is expected of a youth as he or she moves through the levels. With each level lasting at least 30 days, all youth start at Foundation level when they enter the program and eventually move up through the various levels to Excellence Level, and eventually to Release Status.

Dear Friends:

We appreciate your interest in the Teen Ranch residential program. It will be our privilege to work with you for the betterment of the youth from your community.

[Illustration omitted]

Together, with our experience and commitment to struggling children, we can create those important life-changing relationships so craved by our children today.

/s/Matthew J. Koch, CEO